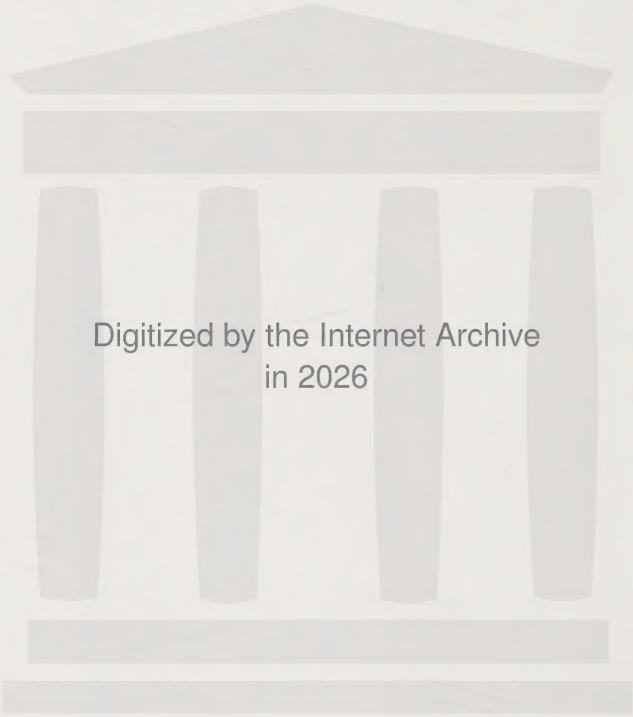
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YALE LECTURES ON THE
RESPONSIBILITIES OF CITIZENSHIP

SOCIETY AND PRISONS

BY
THOMAS MOTT OSBORNE

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SOCIETY AND PRISONS

SOCIETY AND PRISONS

PENOLOGY, according to the Century Dictionary's very excellent definition, is: "The study of punishment for crime, both in its deterrent and in its reformatory aspect; the study of the management of prisons."

It is my purpose in this series of lectures to give a survey, — brief, although I hope not necessarily superficial, of the relation between criminals and Society; and having in mind the recent very striking and important developments in Auburn and Sing Sing prisons, I have ventured to take as my subtitle:

SOME SUGGESTIONS FOR A NEW PENOLOGY

The "Yale Lectures on the Responsibilities of Citizenship" were established by the late William Earl Dodge "for the purpose of promoting among its students and graduates, and among the educated men of the United States, an understanding of the duties of Christian citizenship and a sense of personal responsibility for the performance of those duties."

In sending me the invitation of the President and Fellows of Yale to deliver these lectures for

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1916, the Secretary of the University wrote me as follows: "It has been the thought of our committee that having heard the general subject of citizenship developed, it would now be well to have various public movements and needs presented"; and it was suggested that I should speak to you on Prison Reform.

Feeling, as I have long felt, that citizenship has no responsibility greater or more pressing than the state prison, I gladly accepted the distinguished honor conferred upon me by the President and Fellows of Yale. I have a double gratification in doing so. First: because I knew personally and highly esteemed Mr. Dodge, having sat by his side as a delegate to the Sound Money Conferences at Indianapolis in 1897–8; and secondly: because the honor is not altogether a personal one, but is bestowed, through the lecturer, upon Yale's great sister University. I should hardly be human, if I did not indulge in a considerable measure of pride in being the first graduate of Harvard to be accorded the very great privilege of giving the Dodge Lectures.

I

CRIME AND CRIMINALS

IN a discussion of any sort it is well to make sure that the principal terms employed are clearly understood by every one concerned.

It is not necessary in argument [writes Gilbert Chesterton] to settle what a word means or ought to mean. But it is necessary in every argument to settle what we propose to mean by the word. So long as our opponent understands what is the thing of which we are talking, it does not matter to the argument whether the word is or is not the one he would have chosen. . . . So long as we know what a given word is to mean in a given discussion, it does not even matter if it means something else in some other and quite distinct discussion. We have a perfect right to say that the width of a window comes to four feet, even if we instantly and cheerfully change the subject to the larger mammals and say that an elephant has four feet. The identity of the words does not matter, because there is no doubt at all about the meanings; nobody is likely to think of an elephant as four feet long, or of a window as having tusks and a curly trunk.

In a discussion of penology it is especially desirable that there should be no misunderstanding of terms; for not only has a really scientific, first-hand study of many important elements of the subject been sadly lacking, but we are met at every turn by those treacherous half-truths,

which wholly vitiate our reasoning. Take, for instance, the frequent assertion: "criminals should be punished." That sounds at first like a self-evident proposition — so simple and satisfactory. But when we endeavor to translate the axiom into action we find that the apparently simple matter bristles with difficulties; for the words represent so many different things to so many different people. What is a criminal? What do we mean by punish?

Well-known authorities on criminology give us the following comprehensive list of the various kinds of criminals:

1. Criminal Madmen.
2. Instinctive Criminals.
3. Habitual Criminals.
4. Single Offenders.
5. Presumptive Criminals.

Criminals should be punished; — very good. Shall we punish all these various kinds, beginning with the madmen? The law says not; madmen must be restrained, not punished, because they are not legally responsible. Then, if the irresponsible are not to be punished, what about "instinctive criminals"? And again, if we set out to punish "presumptive criminals," where are we to stop? An uneasy feeling arises that perhaps we ourselves may not be quite safe. How can we recognize a "presumptive criminal" until he ceases to be presumptive?

If we decide to take a practical view of the matter and fall back upon the law, punishing only such criminals as the law catches, — (an unsatisfactory number at the best), then the problem only shifts to the next word. What do we mean by "punish"? Shall we use the rack and thumb-screw, as they did in the Middle Ages? Or the head-cage and leathern "paddle" of our fathers? Or shall we remain satisfied with the less coarse and obvious tortures of our own day — the dark cell and restricted allowance of food and water?

Then again: After we have decided on the form our punishment shall take, in what measure shall we deal it out? Shall we give the same to the single offender that we do to the habitual criminal? Or shall we formulate a system graduated according to the offence, — endeavoring "to make the punishment fit the crime"? If so, the former difficulty again arises: after we have caught our criminal, how are we to determine what sort of a criminal he is, so that we may know just what kind and how much punishment will be best for him?

A favorite catch-word in penology is "classification"; and attention is often called to the bad results of mixing first-termers with old offenders. Some years ago an effort was made in New York State to classify its prisoners. Upon the assumption that second-termers were worse than first, and third-termers worse than second, Sing Sing

was reserved for those "doing their first bit"; second-termers were removed to Auburn prison; while those convicted three times or more were sent to Clinton prison at Dannemora. In conformity with this theory of classification, the discipline in the prison management was graded; being more rigid at Auburn than at Sing Sing, and most severe at Clinton.

While this arrangement soon broke down, by reason of the necessity of each prison accepting all convicts sent from the neighboring judicial districts, yet there is still a larger proportion of first-termers at Sing Sing and of third-termers at Clinton. Some light is thrown upon this theory of classification by the fact that when first there was talk of extending to the other prisons of the State the new system which had been started at Auburn, those prisoners who knew most thoroughly the conditions at all three prisons insisted that the second branch of the prisoners' "Mutual Welfare League" should be established at Clinton; because, on account of there being so many third-termers in that prison, there was such excellent material that the League would surely be a success. On the other hand, after I had decided to accept the Wardenship of Sing Sing prison, I was repeatedly warned by convict friends that I must be watchful of the men in the knit-shop; because trouble, if it came, would be certain to begin there, by reason of the large number of

first-termers. In other words, the classification of prisoners, as a matter of logic, was perfect; the only trouble being that conclusions were drawn from premises which happened to be exactly contrary to the facts. It is not true that men are worse according to the number of their terms; I know first-termers who are men of such utterly detestable character that their fellow prisoners hold them in abhorrence; and I know many old-timers, — men who have served most of the years of their lives in prison, who are as faithful and as loyal to their own code of honor as any Bayard, — without fear or reproach.

When there was inaugurated a system of token currency at Sing Sing a number of enthusiastic prisoners wished to start a bank. A petition for a charter was presented; and a proposed list of directors submitted, with a statement of their qualifications. One candidate's claim rested upon his "oratorical ability," while another's was set down as "moral influence in the community." Upon investigation I found that the latter was serving a seventh term. He had been thrice committed to a juvenile institution, once to the House of Refuge, once to Elmira Reformatory, and once before to state prison. Yet the description of him was perfectly correct; his moral influence in the community is deep and strong.

An explanation of this seeming paradox will come later; for the present let us turn to another

difficulty of classification, that of finding out the true records of the prisoner. "Canada Blackie" was a famous and one of the most dangerous and dreaded prisoners of New York State until that dramatic moment when he called me into his cell and handed me the key and knife he had manufactured and, as he said, "intended to use." He was registered in the prison books as a first-termer; but he had served at least three terms. One member of the judiciary board, at Sing Sing, was long registered as a first-termer; but he was found out and re-registered as a third-termer. He was really, as I happen to know, a fourth-termer.

Even with the most careful national system of Bertillon measurements, mistakes will occur; and any attempts at classification must of necessity have a wide margin of error; a wider margin mentally than physically; widest of all, spiritually.

However all this may be, it must be evident that these important matters are certainly not ones that can be settled satisfactorily off-hand. We must search with some patience our own understandings, determine just what the real problem is; and, as I began by pointing out, be careful to define our terms and thus avoid serious misunderstanding.

Following that wise philosopher who advised us to "begin at the beginning," let us inquire what is meant by the word "crime"; for the first

definition of penology is "the study of punishment for crime."

Crime is thus defined by the Century Dictionary:

> 1. An act or omission which the law punishes in the name and on behalf of the State, whether because expressly forbidden by statute or because so injurious to the public as to require punishment on grounds of public policy: an offence punishable by law.
>
> 2. Any great wickedness or wrong-doing; iniquity; wrong.

Better than this definition is the one of Sir James Stephens: "Some act or omission in respect of which legal punishment may be inflicted on the person who is in default, whether by acting or omitting to act."

Best of all, perhaps, is this, quoted from an unnamed authority in the Encyclopaedia Britannica: "A failure or refusal to live up to the standard of conduct deemed binding by the rest of the community."

The word in modern times has become more exact and restricted in its meaning. In 1755 Dr. Johnson, in his great English Dictionary, briefly defined crime as "an act contrary to right; an offence; a great fault; an act of wickedness."

Going still farther back we find that when the King James translation of the Scriptures was

made, a common use of the word crime was in the sense of charge or accusation; and in three of the four times it occurs in our Bible it is used in this sense. Only in the book of Job has the word our modern meaning:

> For this is an heinous crime;
> Yea, it is an iniquity
> To be punished by the judges.

Perhaps, after all, we could hardly have a better or more condensed definition of crime than those last words: "an iniquity to be punished by the judges."

So far as our discussion of penology is concerned we may rest satisfied with the more modern, narrow, legal definition of crime; but in accepting that we must bear in mind four important considerations:

First: that there is a distinction between sin and crime. Sin is a spiritual matter; crime its outward expression. Jesus made clear the difference when He pointed out "that whosoever looketh upon a woman to lust after her hath committed adultery with her already in his heart." From this point of view — the highest ethical standard — the difference between sin and crime disappears; and it is obviously the part of religion to insist upon the highest spiritual standard. It is also obvious that sin in itself is not a matter that can be punished by the judges.

The courts can act only when the sin of the heart has been translated into the outward act of crime.

Second: We must remember that no law can reach some of the most detestable crimes. A man may be guilty of the most revolting treachery, — may perform an act so "contrary to right" as to make his name a by-word of reproach throughout the ages, and yet commit no crime that the law can touch. The kiss of Judas can never be punished by the judges.

There is perhaps no severer indictment of the old prison system than the fact that it has been considered necessary to make extensive use among the convicts of spies or "stool-pigeons." Of some of the resultant evils in prison life I shall speak later. In the meantime, apply an ethical test to the matter. Can anything be more loathsome than a system built upon deception, lies and treachery — acts of iniquity, and therefore crimes? Such a system is debasing to the last degree, not only upon the authorities who practice it, but upon the prisoners who are its victims and the wretched creatures who are its tools.

Nor is it alone in the prisons that such crimes are committed. Consider the actual workings of the average district attorney's office, with its nauseating dealings with informers; its frequent effort to procure the doing of evil in order that

credit may be gained by punishing the perpetrators of the very crimes it has encouraged; its claims to success measured by the mere number of indictments and convictions — no matter how attained; the too frequent unblushing manipulation of grand juries and trial juries — turning the legal machinery intended for public safety into dangerous political weapons. These things are surely iniquities of the most heinous character, all the worse because undertaken in the name and under the cloak of the law.

Then reflect upon the matter of the participant in a crime being encouraged to turn state's evidence. The criminal who in addition to his other wrong-doing adds the sin of base and hideous treachery, betraying his friends and associates that he may escape the proper penalty for his own acts, watching the punishment meted out to his less guilty companions — could anything be more detestable? I am not referring to this matter on the score of its practical utility, but simply pointing out that there are criminal acts which the law not only does not punish, but does not even attempt to punish.

Third: We must also bear in mind that just as there are criminals whom the law can not or does not touch, so there are criminals who are not guilty of sin. A law may not be founded upon any sound ethical basis; so that he who breaks it is not guilty of anything wrong in the sight

of God. There are plenty of such laws on the statute books; laws intended to enforce the convenience rather than the conscience of society. More important is it to realize that crimes that are really sinful may be committed under circumstances that release the criminal of any real moral responsibility. It must be evident upon very slight acquaintance with the operations of the law that a very large number of those who get entangled in its net are not morally guilty; they are simply irresponsible, through an ignorance that is no fault of their own. The number of men who have a deliberate intention to commit wickedness is relatively very small indeed.

Fourth: In spite of the foregoing considerations, however, society has a perfect right to formulate its code of laws, determining what acts shall constitute legal crime. It has that right as a part of its right of self-preservation. It will happen, of course, that intelligent people will find plenty of cause for criticism in the criminal code of any given community; but, then, intelligent people are never satisfied with actual accomplishment in any line of human endeavor. The cry of the Persian poet still finds an echo in our hearts:

> Ah Love! could you and I with Him conspire
> To grasp this sorry Scheme of Things entire,
> Would not we shatter it to bits — and then
> Remould it nearer to the Heart's Desire!

(While we all share in Omar's yearning to make improvements in the universe, I must confess to an increasing doubt lest, when it came to you and me taking the responsibility of remoulding the sorry Scheme of Things, it might turn out that our own particular Heart's Desire failed to coincide with that of our next-door neighbor. He might be unappreciative enough to think our fine new Scheme of Things even sorrier than the old, and might ask in his turn to shatter it to bits. But that, like so many of a certain great author's tales, is another story.)

In relation to our criminal codes it is certainly desirable to cultivate an intelligent dissatisfaction; in order that they may be made to reflect as completely as possible the conscience of the community, and so bring sin and crime as near together as possible. If society chooses to make a crime out of any really harmless act, we cannot dispute its right to do so, however unwise the exercise of that right may seem to us. If we are dissatisfied, it is our duty to protest and to convert the majority to our view, if we can.

Bearing in mind the four considerations just outlined: that sin and crime are by no means coterminous; that society has a right to formulate its own criminal code; that many sinners will escape the law; and that some few innocent and many irresponsible persons will be caught in

its meshes; we may accept the narrower legal definition of "crime" as a workable one; for the word conveys substantially the same idea to all, and affords a satisfactory first step in the exposition of our subject.

Next we come to an examination of the agent by whom an act of crime is committed — *the criminal.* Here we find ourselves dealing with the most important misconception of the old penology; a misconception so fundamental, indeed, that it has, in the past, vitiated much of the study devoted to the subject, and tended to make of it a mere shallow make-believe masquerading as a science.

To lay the foundation of a new and genuinely scientific penology, we must make absolutely clear to ourselves the real nature and character of the men who populate our prisons; — there must be no uncertainty in the minds of any of us as to what is meant when we refer to "criminals," "convicts" or "prisoners."

Dr. Johnson defined criminal as:

1. A man accused.
2. A man guilty of crime.

The Century Dictionary omits the first of these definitions, not considering that a man is a criminal simply because he is accused; and adopts the second definition; — but lacks the old lexi-

cographer's admirable brevity. Criminal is defined as:

> A person who has committed a punishable offence against public law; more particularly a person convicted of a punishable public offence on proof or confession.

This is an excellent definition, clear and complete. But when we make use of the word criminal, in our ordinary speaking or writing, does it, as a matter of fact, bring to our minds merely a person who has committed "a punishable public offence"? Does not the word call up, almost unconsciously, the picture of a creature belonging to a different order of humanity from ourselves? A sort of were-wolf; in the likeness of a man, to be sure, but with the nature of a horrible beast, — violent, dangerous, blood-thirsty, marked by certain physical characteristics or stigmata of villainy; marks which, when accurately determined, should enable us to detect the criminal and set him apart among the rest of his kind — a moral leper.

Such feelings are very common; indeed, I am conscious of having once shared them myself, superficial and ridiculous as I now realize them to be. Most of us can recall incidents within our personal knowledge, showing how arbitrary is the line which separates the criminal from the rest of mankind. Here are some from my own experience:

Many years ago, in a certain manufacturing establishment, the pay roll was made up weekly around a table by the cashier, two or three clerks and the office boy. Within a few months there had been several complaints of shortages in the pay-envelopes, after they were opened by the workmen. The cashier said nothing, but kept his eyes open. So, on a certain pay day, when there was found to be a shortage of money to fill the envelopes, he promptly locked the doors, made a thorough search and successfully fixed the theft upon the office boy. He was a clever young lad; but the rules of the office were strict and he was discharged.

Was he an "instinctive criminal," a "presumptive criminal" or only a "single offender"? He was certainly one of these; but a few weeks ago, as I was leaving the theatre, a fine-looking, middle-aged man stepped up to me and said: "Mr. Osborne, you don't remember me, — I'm Jimmy D.; and I want to introduce you to my wife." I paid my respects to a quietly-dressed, pleasant-looking woman at his side; then turned back to the man who was once Jimmy D. He proceeded to give a very good account of himself. Had I met him in Sing Sing, I should have felt less surprise; for thirty years ago, if ever there was a mischievous little devil, he was it.

Take another case: a young man, good, industrious, religious, well-connected — was cashier

for the same manufacturing establishment; and in a moment of weakness borrowed over night a few dollars to pay a pressing bill. Undetected, he found it convenient to repeat the operation; repaying each time the money borrowed. On one of these occasions he found that unexpectedly he was unable to repay; so he made a false entry in the cash-book. Soon he developed this into a regular practice, until the fraud was fortunately discovered. His employers hesitated to send him to prison; he was allowed to make restitution; his crime was hushed up; and he is to this day a useful and respected citizen. Had he gone to prison, been clothed in stripes and his head shaved, the penologists would have been studying him as a sample of the "criminal class."

Another young man, in order to carry on a legitimate business, forges a friend's name as endorsement to his note at the bank. His crime is detected; but influential members of his family go to his rescue. The note is made good; and, the crisis past, he goes on with his business as though nothing had happened. Is this forger any the less of a criminal than the thief whose crime is also detected, but who having no influential friends is sent to prison?

During a discussion of such matters with a number of the inmates in Auburn prison two years ago, one of them remarked: "Why, Mr. Osborne, you know that the only difference be-

tween us and a whole lot of people outside is that *we have been caught.*"

The truth is that, while it is often convenient to speak collectively of the men who commit crimes as criminals, there is no such thing as "THE CRIMINAL," no such group as a "criminal class." There is danger in generalizations at the best; yet it is not quite so absurd to speak of "the doctor" or "the lawyer," because in such professions there are implied certain training and certain obligations which tend to produce a type. But to list men who commit all sorts of different crimes arbitrarily in a group and proceed to generalize about them, is as ridiculous as it would be to generalize about the habits and character of any chance assortment of men — legislators, or theatre-goers; or to draw conclusions as to the psychological characteristics of blue-eyed men, or those who wear tan shoes. "The criminal," as he is usually described, has about as much real existence as the equator. That is a word we have coined for convenience in discussing certain geographical facts, but to the surprise of the small boy who crosses from the Northern to the Southern Hemisphere, the thing itself does not exist, — it is a mere formula.

One is reminded, — if I may be pardoned for introducing anything so serious as nonsense verse into this discussion, — of those lines in "The Hunting of the Snark":

"What's the use of Mercator's
North Poles and Equators,
Tropics, Zones and Meridian lines?"
Thus the Bellman would cry
And the crew would reply:
"They are merely conventional signs."

The word criminal is a merely conventional sign for a human being guilty or convicted of crime. But we have allowed this word, coined for mere convenience, to form a picture in our minds; and into that picture we have fused the actual products of our penal system — the sullen, rebellious, revengeful human beings whom our prison cruelties have developed.

To realize how this fundamental error permeates most books on penology, open almost any one of them at random, and see what we find. Here, for example, is "The Criminal" by Havelock Ellis, a well-known and oft-quoted authority. Turning the pages, casually, we light on this:

> The practice of tattooing is very common among criminals, and is frequently carried to an extraordinary extent, twenty or thirty designs being occasionally found on the same subject. Lombroso was the first to point out the full biological and psychical significance of this practice.

An imposing list of authorities follows. Besides Lombroso, the author cites Alborghetti, Rossi, La Cassagne, Tardieu, Dr. Graves, Gamba and Dr. Riva.

> Alborghetti [we are told] found fifteen per cent of the inmates of the prison at Bergamo tattooed. Lombroso examined one hundred children at the reformatory at Turin and found forty of them tattooed. Among two hundred and thirty-five other youthful criminals he found thirty-two per cent tattooed.

When we search for what the author calls "the full biological and psychical significance of this practice," which "Lombroso was the first to point out," we find it decidedly elusive. We are informed that in tattooing, "the designs vary in character, but certain emblems are frequently repeated"; that "the favorite position for tattooing, among the ordinary population, is the front of the forearm; to a less degree the shoulders, the chest (especially sailors), or the fingers"; that "the causes that produce tattooing are doubtless of a complex kind," — but there are enumerated religion, vengeance, idleness, vanity, "recollections of childhood and the memory of loved friends"; and the list winds up with the statement that "erotic passion is a very frequent — probably the most frequent, cause of tattooing."

There are six pages of this absurd stuff, all leading to the conclusion, on the part of the reader, that a man with a tattoo mark is in all probability a criminal.

Apparently it never occurred to these worthy penologists to look at the matter from the stand-

point of plain, ordinary common-sense. If they had, it would have told them that when men or boys get together, as in the navy, with much idle time on their hands, tattooing is apt to become a passing fad; but unlike other fads, this one leaves a mark that cannot be eradicated; that there are countless men out of prison who are tattooed; and that to reason, because many men who are tattooed get into prison, therefore tattooing is a distinctive mark of a separate race of human beings called criminals, is logic gone crazy. You might just as well argue that because a certain proportion of men in prison have red hair, therefore red hair is a mark of the criminal.

As a matter of fact, the author himself exposes the absurdity of his whole contention by this one short sentence in the midst of his argument: "There is evidence that criminals frequently refrain from tattooing themselves because they know these marks form an easy method of recognition in the hands of the police."

Precisely! The self-contradictory result of the whole discussion is this: that tattooing is characteristic of criminals; but criminals do not practice it for fear of police identification; — and a very good reason too. But where, one may ask, does the biological or psychical significance come in?

Space has been given to this preposterous matter only because it seems to be rather char-

acteristic of the way in which much of the study of penology has been carried on.

Take another example culled from a ponderous tome on "The Criminal" written by a chaplain long resident in a state prison. From him we learn not only this interesting fact: that "the first-born is usually the criminal of the family; the last one the pauper"; but also that among the characteristics of criminals is a "love of animals and pets."

And again in Havelock Ellis, we read that "family affection is by no means rare among criminals"!!

One is almost tempted to add, as a no less important contribution to penology, that criminals as a rule have two legs and are sometimes partial to "chops and tomato sauce."

The man who seems to have been responsible for a great deal of the nonsense which has been written and talked under the name of penology, was the Italian savant, Cesare Lombroso, who published his book "L'Uomo Deliquente" in 1876. In this work Lombroso set forth what was claimed to be a discovery, to use the words of Major Arthur Griffiths, of "a criminal type, the instinctive or born criminal, a creature who had come into the world predestined to evil deeds, and who could surely be recognized by certain stigmata, certain facial, physical, even moral birthmarks,

the possession of which, presumably ineradicable, foredoomed him to the commission of crime."

Lombroso's theories were hailed as the foundation of a new science — criminology; the basis of which seemed to be the study of prisoners not as men, related naturally to other men, but exclusively as criminals. A truly scientific student, when he found 32 per cent of the boys in a certain reform school tattooed, would have felt it desirable to make an extended examination of the district which supplied the inmates, in order to determine whether that percentage was larger or smaller than the usual average, before drawing any general conclusions. The result might not prove particularly valuable or interesting in itself, but it would at least have the merit of proving something. Your criminologist, on the contrary, proceeded upon the assumption that, if he measured all the noses of men in prison and thus determined the average nasal length, he had thereby ascertained, beyond all question, the "criminal nose." The fact that it might be an exact replica of the average nose of law-abiding people outside the prison was not taken into account. The great object was to confine your study to the criminal.

Of course the results of this kind of research are hopelessly vitiated by its initial mistake; they have but little more value than would a monograph on the nature and habits of the polar

bear, based exclusively upon examination of a single animal confined in the cage of a menagerie. Nevertheless Lombroso's theory has been widely accepted; it tallies with the popular impression of the criminal; and many penologists have been led astray by it. They talk and write glibly of "the criminal type," — having in mind certain retreating foreheads and chins, furtive eyes, large, flapping ears, and the style of nose and mouth they personally most dislike.

A few years ago the happy thought occurred to an English physician connected with the Parkhurst prison, Dr. Charles Goring, to investigate the facts of this widely accepted theory. He examined carefully many hundreds of convicts; but also many hundreds of people outside the prison engaged at similar work; also many university graduates. The instructive results are published in a British blue book; and may be summed up in Dr. Goring's own carefully chosen words:

> In the present investigation we have exhaustively compared, with regard to many physical characters, different kinds of criminals with each other, and criminals, as a class, with the law-abiding public. From these comparisons, NO EVIDENCE HAS EMERGED CONFIRMING THE EXISTENCE OF A PHYSICAL CRIMINAL TYPE, SUCH AS LOMBROSO AND HIS DISCIPLES HAVE DESCRIBED. Our data do show that physical differences exist between different kinds of criminals; precisely as they exist between different kinds of law-abiding people. But, when an allowance is made for a certain range of probable variation, and when they

are reduced to a common standard of age, stature, intelligence and class, etc., these differences tend entirely to disappear. Our results nowhere confirm the evidence, nor justify the allegations, of criminal anthropologists. They challenge their evidence at almost every point. In fact, both with regard to measurements and the presence of physical anomalies in criminals, our statistics present a startling conformity with similar statistics of the law-abiding classes. The final conclusion we are bound to accept until further evidence, in the train of long series of statistics, may compel us to reject or to modify an apparent certainty — our inevitable conclusion must be that THERE IS NO SUCH THING AS A PHYSICAL CRIMINAL TYPE.

It should be added that one humorous outcome of Dr. Goring's measurements was to show that there is a wider divergence, physically, between the average Oxford University graduate and the average Cambridge University graduate than between the criminal and either one of them.

When we turn from physical to mental and moral characteristics, we come to matters by no means so easy to chart and determine. From my own personal experience, however, which has given me somewhat unusual chances to study these men at first hand, I have found no more reason for belief in a mental or moral criminal type than Dr. Goring has found for belief in a physical one.

Since September, 1913, — for two years and four months, I have lived on terms of close and

intimate friendship with a large number of convicts in two of New York's state prisons. At Auburn I have shared in the life of the inmates, both in prison and out in one of the road-building camps; I have worn their uniform, eaten and slept with them, worked and played with them, witnessed their sufferings and participated in their interests. At Sing Sing I have seen them from a different angle — that of a prison official; but it has still been a relation of sympathetic interest and intimate friendship. I have followed the lives of many of these men after they have left prison. In short, there have been very unusual opportunities for my studying the facts at close quarters; and I have yet to meet one prisoner whom I regard as anything but a perfectly natural human being, — a natural human being often rendered abnormal through inherited weaknesses, more often through the evil influences of unhealthy environment, most often through the stupidity of older people to whose care a precious human life was early entrusted. I believe that the institutions, devised by man for the training of youth, to be most responsible for the inmates in our state prisons. And when we talk about "confirmed criminals" and a "criminal type" and a "criminal class," we are trying to lay upon God the blame which belongs upon ourselves.

For while there is no such thing as a criminal type, there is a "prison type"; — the more shame

to us who are responsible for it. Forth from our penal institutions year after year, have come large numbers of men, broken in health and spirit, white-faced with the "prison pallor," husky in voice — hoarse from disuse, with restless, shifty eyes and the timidity of beaten dogs. But these are creatures whom we ourselves have fashioned; the finished product of our prison system. These are what we have to show for the millions of dollars wasted and the thousands of lives worse than wasted because of our denial of common-sense and humanity.

When we thus question the very existence of "the criminal" for whom our prisons have been so carefully and expensively constructed and about whose imaginary personality so many dull and useless books have been written, we are in truth calling in question the accepted facts upon which our social reformers have acted and the whole elaborate and complicated system of legal restraint and punishment is based. It is no wonder, therefore, that those who are engaged in this work of destruction are assailed as "theorists," "cranks," "impractical dreamers." The remarkable thing is that the enemy's vocabulary has been on the whole so restrained.

Readers of Dickens will recall the amazement and righteous indignation exhibited by the worthy Mrs. Gamp when her friend and fellow-worker, Betsey Prig, dared to question the existence of

her mythical friend, — Mrs. Harris. You will remember when quoting Mrs. Harris once too often, Sairy Gamp was interrupted by Betsey's historic utterance: "I don't believe there's no sich a person." At once the very foundation of Mrs. Gamp's carefully built-up social position was threatened; — her veracity, her professional reputation, her whole existence tottered. No wonder that the immortal partnership of Sairy Gamp and Betsey Prig was severed. If it may be allowed to compare small things with great, such a severance is inevitable between the believers in the old and those of the new penology; for whenever they talk to us about "the criminal," we boldly say: We don't believe there's no sich a person.

Because I would have you believe that these inmates of our prisons are not "criminals" in the meaning which we read into the term, I would not have you jump to the conclusion that I believe them to be altogether admirable. There is no more reason to be sentimental than to be callous. Let us simply exercise common-sense in the matter. These men have more than their share of the weaknesses, follies and vices of humanity; but they are by no means lacking in the virtues. Some have low ideals and coarse habits; some are passionate; some are brutal; some are selfish and inconsiderate; some are diseased; some are mentally defective; — but all men with these

evil characteristics are not in prison. In the world outside we revere simple goodness; we honor truthfulness and sincerity; we love loyalty and the glorious capacity to live and, if necessary, to die for a friend. All these virtues in their intensest form we find inside the prison. It has been my privilege to have many loyal and trusted friends both within and without the walls; but if I should need one who would be faithful unto death, one who would unhesitatingly throw away his life to bring his friend a great joy or a great benefit, — I might possibly find such a friend outside; inside the prison, clad in the gray uniform of the convict, I know of more than one.

Some penologists endeavor to find a middle ground in this matter, holding that crime is a disease. This view offers a resting place to the sentimentalist; for it concedes the irresponsible acts of the criminals, while at the same time it holds fast to the idea of their unnatural and dangerous character. The following, from a leading authority on penology, sets forth this view:

> The disease of criminality has one absolutely unfailing, positive symptom, which is crime. A person may be afflicted with the disease before it has been detected, but when this symptom has been discovered it is positive evidence of the presence of the disease; and the patient must be at once committed to the care and treatment of skilled doctors. Unless this is done the disease will in almost every case progress in virulence, or become chronic and incurable.

Consider for a moment this statement made so seriously and in such ingenuous good faith: "The disease of criminality has one unfailing, positive symptom, which is crime." It is as if in a standard work on medicine one should read: "Diphtheritic disease has one unfailing, positive symptom, which is the presence of diphtheria."

As a contribution to our scientific knowledge, I can think of nothing to equal this since the valuable discovery which Dr. Crothers gave to the world in his delightful book: "Miss Muffet's Christmas Party." After reminding his readers of the historical fact that

> Little Miss Muffet
> Sat on a tuffet,

the author remarks: "Perhaps some of you would like to know what a tuffet is. I have thought of that myself, and have taken the trouble of asking several learned persons. They assure me that the most complete and satisfactory definition is, — a tuffet is the kind of thing that Miss Muffet sat on."

Speaking seriously, however, the disease theory of crime is a mischievous one, for it has a certain amount of superficial plausibility; being to a certain extent true. But it is true only as metaphor; not as literal fact. A man ill physically, which is what is meant when we use the word "ill" without qualification, is sent to hospital for

eye, ear or body. A man mentally ill is sent to an asylum — a hospital for the mentally afflicted. But the essential trouble with the criminal is neither physical nor mental: he is spiritually ill: socially ill: ill of selfishness — of a peculiar form of civic egotism, which causes him to be indifferent to the social rights of other men. The proper hospital for him is the prison.

In other words, disease is physical: dementia, in its various forms, is mental: crime, in its various forms, is spiritual. The fact that a man may be afflicted in two or all three ways at the same time tends to superficial confusion, but does not alter the fundamental differences. A man may commit crime because he is insane; nevertheless the two things spring from different causes; and to call criminality a disease of which crime is a symptom is to juggle with words — to fall into just the kind of verbal fallacy we have been trying to avoid.

The worst feature of the disease theory is that it cancels the responsibility of the criminal for his acts: and the moment you relieve a man of such personal responsibility, you are adrift upon a sea of intellectual doubt, with neither chart nor safe anchorage.

How, then, shall we reconcile the fact that we are to hold a man responsible for his act, and yet not responsible for the motives which led him to commit it? It sounds at first like a con-

tradiction; but the explanation is not far to seek. It can best be understood by an illustration:

When Nature decrees that a baby shall burn his fingers whenever, attracted by the play of light upon it, he touches the hot teapot, we realize the wise provision of Nature which educates every child alike, making no discrimination and no distinction of time or place. If the child continues his foolish experiment, he continues to be punished; until he learns his lesson; until, through experience, "the burnt child dreads the fire."

But when the baby has his finger burned by the hot teapot do we hate him for his ignorance or folly? Do we consider him a member of an alien "class" and proceed to wreak our vengeance upon him; or a victim of a strange disease for which we should call a doctor? Not at all. We regard his proceeding as the expression of a perfectly natural spirit of adventure or of an equally natural elementary selfishness. We fondle the little chubby fingers held out to us so beseechingly, we kiss the tears away and give wise and tender counsel for the future. The baby is held responsible by Nature for his act and punished for it sternly; but we do not hold him ethically responsible for his carelessness or unwisdom. The effort we make is to prevent a repetition of his mistake; to train the child to understand and utilize the great natural forces of fire and heat, and not to

misuse them or continue burning his fingers for the rest of his natural life.

The act of the baby who burns his fingers on the teapot and that of the man who commits some serious crime against society spring fundamentally from the same cause. Both come about through ignorance of the working of great natural or social forces. The man appears to be guided by an intent to destroy the work or lives of other men, which is plainly absent from the child; but that is a difference which is superficial and is one of degree and not of kind. Both desire something and endeavor to get it, without regard to consequences, moral or material.

A man's actions are the resultant of many forces. His heredity, his environment, his training, all react upon that mysterious something — the man's own individuality. What is it that makes John so different from his brother James; that makes Peter the very antithesis of Paul? No one knows. No one is ever likely to know. For lay whatever stress we please upon all the recognizable influences which form a man's character, we are still far from accounting for the human being who stands before us; we cannot explain what makes me, me and you, you.

If the influences which really form a man's character are hard to determine, it is still harder to find adequate reasons to blame him for the conduct which results. He is certainly not respon-

sible for his heredity — many children would select other families to be born into, if they had the choice; he is certainly not to blame for an unfortunate environment — the slums are surely an acquired taste; his training is largely dominated by his parents' resources, for which he is certainly not responsible — whether he goes to school and college, or is early turned adrift into the streets, being largely a matter of the paternal pocket-book.

"Judge not that ye be not judged," is the Biblical injunction. It is not only good ethics, it is sound penology. We must hold a man closely responsible for his crime, for that is the best way to prevent a repetition and it also gives a chance to educate him into a better outlook upon life; but at the same time we must recognize that he may not be at all responsible for the ignorance or weakness that led him to commit the crime.

The conception of the criminal as the unfortunate victim of a "disease of criminality" should be utterly discarded; it has no sound foundation. On the other hand society, having determined just how and to what extent all offences against its standard of conduct should be punished, must learn to execute its decrees as inexorably as God, through the laws of nature, inflicts His punishments. But just as the affectionate mother, although she cannot prevent

nature's punishment, gives love and sympathy to her baby who has burned his finger; so the state on its parental side should deal tenderly and sympathetically with its erring children.

"Ignorance is the curse of God,
Knowledge the wing wherewith we fly to Heaven."

The foregoing view, as to the non-existence of "the criminal" according to the old penology, is no mere theory which you are asked to accept as a working hypothesis; it is not a matter of cold statistics gathered from cardboard records of institutional inmates; it is a carefully drawn conclusion from patient first-hand study of the living men. A sympathetic study, it is true, but one genuinely scientific in its desire to find the truth. Let me give you in some detail one item of this experience:

I have alluded to a convict road-construction camp, of which I was a member in good and regular standing in the summer and fall of 1914. I was in close touch with this camp for the three months of its existence. I wielded a pick and shovel myself for the first week; and then after three weeks' absence, went back for another week's hard work; returning for a day or two several times after that. This gave me the chance to make a most interesting and enlightening study of "the criminal" under remarkably free and natural conditions. The camp was situated near

the small village of Meridian, about 18 miles from Auburn Prison; and there were 20 members, besides myself, — men who had been sentenced for all sorts of crimes.

Only one of these men had less than a year to serve; 7 had between one and two years, 2 had between two and three years, 4 between three and five, 2 between five and ten, 2 between ten and fifteen, one had still seventeen years to go and one was condemned to prison for "natural life."

Counting the life term as 30 years, these 20 men had received sentences amounting to 221 years and 7 months or an average of 11 years and one month apiece.

Three of my camp-mates were serving their first term in a correctional institution, 6 their second, 3 their third, 5 their fourth, one his fifth, one his sixth and one his seventh.

Perhaps the most interesting feature lay in the variety of crime represented. Four of these men had been sentenced for grand larceny, 3 for robbery, 3 for burglary, one for carrying a pistol, one for receiving stolen property, one for rape, one for sodomy, one for assault, one for manslaughter, 3 for murder in the second degree and one for murder in the first degree.

I think it will be admitted, on the face of it, that this group would not be considered as one selected on account of any superior social virtues in its members; yet they were three months in

camp with only one guard (and for a week even that one was withdrawn and the camp left in charge of its members); they worked in groups scattered over a considerable area, several miles from camp; and any one of them could easily have escaped at any hour, day or night. The fact was that they were restrained by a fine sense of honor and loyalty toward their fellow-prisoners by whom they had been chosen as members of the "Honor Camp."

I came to know well every member of the group. In fact, there are few among my friends with whom I feel on such confidential and intimate terms; but if I were called upon to classify them for equitable punishment as criminals, I should find it an impossible task. After patient study of these men, day by day, as they really are; — not under the unnatural strain of the court-room or the nervous tension of the old prison routine, but in the healthy freedom of an out-door camp — working, playing, sleeping, waking, eating; I find that any attempt on my part to catalogue or group them penologically would be quite ridiculous. They remain obstinately, in my mind, 20 utterly distinct individualities; — as unlike each other as any 20 of my friends outside the prison; and as natural.

I shall not soon forget the mental shock I had one evening, about four weeks after we had been enjoying the free, out-door life. A meeting was

being held for the purpose of discussing certain matters connected with the camp — in fact, concerning the proper attitude to be adopted toward the village people, whose first terror-stricken panic had been succeeded by almost embarrassing hospitality. Invitations had been tendered for certain men to call at certain houses, and we were coming to the decision that none such should be accepted unless all members of the camp went in a body. One prisoner, commenting upon the attitude of the community, remarked confidentially to me, "Tom, you know there are some women who will run after a uniform, even when it's a prison uniform"; a piece of worldly wisdom the truth of which I was subsequently forced to admit. Then came the shock. In the heat of discussion one prisoner arose, — a clean-cut, fine-looking young man in his early twenties. "Say, fellows, let me tell you this," he began; "I've been a thief all my life, and I don't pretend to be better than anybody else, but I want to say right here —" and then the speaker went on to give his views on certain ethical considerations; ending with the usual plea to "remember those 1400 other fellows back in prison there" and not do anything to bring discredit on them or on the Honor Camp.

"I've been a thief all my life!" The words seemed to strike me a curious, tingling blow between the eyes. I looked about me; and there I sat in a

group of thieves, burglars, murderers, — all kinds of dangerous criminals; — I was the only man present who had not been condemned by society and sent to prison for serious crime. Yet not since my college days had I enjoyed such a delightful sense of natural, free, unrestrained comradeship.

May I again urge the fact that I do not for a moment lose sight of the wickedness and folly of which these prisoners have been guilty. With the exception of a very few innocent men, they fully deserve the exile from society to which they have been condemned. What I wish to emphasize is the existence of the criminal's essential humanity. The blasphemous theory of the irreclaimable criminal, foreordained to a life of wickedness and social perversion, will break down completely whenever it is honestly tested.

Let me close with an additional illustration of this point, taken from the life of the Honor Camp:

Two of my camp-mates — big, powerful, rough fellows; one of them bred in the slums of the great city, the other the product of a prominent juvenile institution and several prisons — were assigned to work on a stretch of the highway where every morning there passed on their way to school a timid little girl of eleven or twelve years of age and a sullen-looking boy of two or

three years older. The smiling faces and cheery greetings of the two gray-clothed convicts soon thawed the reserve of the children, and a pleasant acquaintance arose; for the golden curls and sweet face of the little girl seemed to bring the very warmth and light of the sun to the hearts of the men so long separated from their families and forbidden even the sight of women and children.

Soon the boy and girl were pouring their troubles into the ears of their sympathetic friends; and there was real trouble to tell. They had been placed in the care of a neighboring farmer by their father, whose second marriage had given them an indifferent, if not unkind, stepmother with a child of her own. The farmer was not only overworking and ill-treating the boy; but he was half starving both children; and day after day the two convicted criminals would quietly lay aside from their own scanty breakfast enough to make two sandwiches to slip into the lunch-box of the children.

On the day I returned to camp for my second stay, I was taken aside by one of the convicts, who told me the story of these children; told me that the boy, after seriously debating with himself the question of suicide, had decided to run away and go West. "You must do something for those children," said my friend, the prisoner, to me; "you must save them."

"Yes, Jack," I answered; "I shall be glad to do what I can:" and then I started to talk of his own affairs and the chances of a pardon or commutation for himself.

But Jack was not to be diverted from his subject. "Don't you bother about my pardon now," he said. Then he went on to tell how the boy had begun his plans of running away by stealing from the farmer a small sum of money. "And Tom," Jack continued, with the tears running down his cheeks, "you know what that means. It means that he's following right along in our tracks, straight into state prison. For God's sake do something to save them."

As soon as practicable I got into communication with the father and sent him out to see for himself. He was shocked at what he found and removed the children to his own home at once. Later he sent them to relatives in Pennsylvania, where they are now living, happy and contented, going regularly to school and writing now and again to their friends back in Auburn prison.

Here are the prison records of these two men, whose love of humanity saved the two children from ill-treatment and misfortune:

J. C. No. 32,003. Graduate of juvenile institution. Served two terms in New York City workhouse. Sentenced to prison February 15, 1909, for grand larceny, second degree; after having served time in four other states. Bad

record; punished four times. Escaped from Sing Sing Prison after assaulting a guard. Recaptured and sentenced again, for assault — second degree, for five years.

J. M. No. 32,177. Served two terms in New York County Penitentiary. In 1903 sentenced for a term of six years to Sing Sing Prison for assault. Repeatedly punished and sent to Clinton Prison for discipline. Released in 1909. A year later, October, 1910, sentenced to prison for murder — second degree, for a term of twenty years to life; the minimum expiring in 1931.

Yet there are those who still urge that it is useless to deal kindly with men in prison; that appeal to their manhood is wasted; that the old system of severity and stupidity and brutality is all that Society owes to the criminal.

I will not raise the question of what Society owes to the criminal; the important thing is what Society owes to itself. Let us admit that the first and by far the greatest consideration is the safety of Society; then what follows? Shall we let the vicious become more vicious? the wicked increase their wickedness? the destroyer go on destroying?

These are matters which must be reserved for another lecture. What should now be made clear is that in the use of the word "criminal" we must confine ourselves to the actual meaning of the word; we must think of a criminal simply as a

human being who has committed crime, not as a wild beast to be trapped and caged and broken. Let us think of the denizens of our prisons as men; weak or strong, stolid or flighty, vicious or well-intentioned — but always men; moved by the same kind of instincts as ourselves; outraged by brutal treatment, softened by kindly treatment, precisely as we ourselves should be; possessors, each and every one, of the spark of divine fire, which sympathy and fair treatment may be able to fan into a steady, purifying flame.

Listen to the impassioned words of Strephon, as he sings in Gilbert and Sullivan's opera, "Iolanthe:"

Fold your flapping wings,
  Soaring legislature!
Stoop to little things —
  Stoop to human nature!
Never need to roam,
  Members patriotic;
Let's begin at home —
  Crime is no exotic.
Bitter is your pain,
  Terrible your trials,
Dingy Drury Lane,
  Soapless Seven Dials.

Take a tipsy lout
  Gathered from the gutter,
Hustle him about,
  Strap him to a shutter;

What am I but he
  Washed at hours stated,
Fed on filigree,
  Taught and titivated?
He's a mark of scorn;
  I might be another,
If I had been born
  Of a tipsy mother.

Take a wretched thief
  Through the city sneaking
Pocket-handkerchief
  Ever, ever seeking;
What is he but I
  Robbed of all my chances,
Picking pockets by
  Force of circumstances?
I might be as bad —
  As unlucky, rather —
If I'd only had
  Fagin for a father.

II

COURTS AND PUNISHMENT

LET us assume that society has decreed that a certain act shall be considered a crime; and that its decision has been formulated into law. There is reason to believe that a certain individual has broken that law. Then what next?

It has been long since determined that the result of crime, so far as society can determine the result, shall be the punishment of the offender; and that the nature and extent of the punishment shall be determined partly by statute and partly by the courts. To this latter we should now turn our attention. But before we consider the courts as a factor in penology, there is the function of another social agency to consider.

It is said that in an ancient cookery-book the directions for preparing Jugged Hare began with the excellent advice: "First catch your hare." Before the courts can deal with a criminal, we must first get the criminal into court; and this is not always so easy. Not only is the average criminal a wary and clever bird; but he frequently has the sympathy of the community to a degree

embarrassing to the police officer trying to perform his duty. Theoretically the police, being the agents of society, should have the advantage over the criminal, the enemy of society. Actually, however, the very natural sympathy for the under dog comes into play to balk the efforts of the police.

There are other reasons, as well, which tend toward distrust and dislike of the police; the first is historical; the second is modern in its origin.

The first organized police dates from Charles the Wise, who reigned in France from 1364 to 1380. Endeavoring to bring order into his kingdom, after the first phase of the Hundred Years War with England, he established a body of permanent officials, to enforce the law. It is written that it was cordially hated by the people as an instrument of oppression; and such instrument the police force of every country has been, and tends inevitably to become, wherever autocracy has held sway. In modern democratic countries this hatred is frequently turned into good-natured ridicule, producing mirth rather than resentment.

"Come! Move on!" says the policeman to the street urchin, in one of Leech's drawings for Punch. "Move on! There's nothing the matter here." To which the small boy promptly retorts: "Of course there ain't. If there was, you wouldn't be here."

The old, historical distrust of the police springs from a fear of its being a too willing instrument of tyranny. The second and modern reason for distrust arises from an exactly contrary cause — the assumption of too much power and decision by the force itself. It is often held to be a matter of honor, if a man is once arrested, to use all the power of the force to secure his conviction. In other words, the police are too often not satisfied to be an unprejudiced part of the machinery of the state, seeking impartially to secure all available accurate evidence of a crime; they must needs turn themselves into prosecuting officers, with a desire and intention to convict.

The first time I realized this attitude of the police was after I had become mayor of the city of Auburn, New York (then having a population of about thirty-five thousand), and was personally interested in and responsible for the discipline and good conduct of the police department. I then became impressed with the fact, and have since had my impression confirmed, that the theory of impersonal, unprejudiced action by the police was a very different thing from its actual conduct of affairs. In their desire to show results, thoroughly well-intentioned policemen will often adopt courses of action cruel and unjust to a degree. Let me cite a case:

In the year 1909, at a certain New York City restaurant, three blocks east of the Bowery,

there sat at supper one evening, a man whom we will call Gray. He was showing a watch to a young boy who was eating with him, when the place was suddenly invaded by a gang of toughs, headed by two men, Black and Brown. They were fresh from a street fight in which one of the opposing gang had been shot in the arm, and the party was celebrating the occasion.

Black and Brown and their followers, after indulging in more drinks, started to "hold up" the place; and among other booty, secured Gray's watch. When Black and the proprietor of the restaurant were arrested for fighting in front of the saloon, whither the vortex of the affair had shifted, Gray followed them to the police station.

The proprietor and Black were promptly forwarded to the police court, charged with fighting and using profane language on the public streets. At the night court, the proprietor claimed that he had been robbed of his pocket-book; first charging the policeman with the theft, and then transferring the charge to Black. The magistrate refused to listen to this charge, giving vent to some vigorous reproof, and fined both Black and the proprietor — ten dollars apiece.

Returning to his saloon, very sore over his treatment in court, the proprietor noticed Gray, who was still following the party, intent upon recovering his watch. The next day, the proprietor, smarting over his grievances, made further

complaints, of which the first fruit was the arrest, not of Black, but of Gray.

This was in accord with what in the past has seemed to be one of the rules of the New York police department: When in doubt, arrest the nearest ex-convict. Gray had been in the House of Refuge and the Elmira Reformatory; that was enough to make him suspect.

Four days later there was another arrest in the case. A youth of eighteen, whom we will call White, had been working faithfully for two years for his employer, a milk dealer with a stable four doors from the restaurant. During the very time of the hold-up, White had been on his milk route; but he had what is usually described as a "bad record"; meaning, in this case, that he had passed successively through the House of Refuge, Hart's Island Reformatory and Elmira Reformatory. That he was engaged in honest labor and had never been inside the restaurant in question did not weigh, against his record and the damning fact that he had been in Elmira at the same time Gray was there.

White's case was brought forward first. He was offered a six months' term in the County Penitentiary if he would plead guilty; but he refused. He stood trial and presented a perfectly truthful alibi through witnesses; but his lawyer did not dare put him on the stand, on account of his bad record. He was found guilty, and

sentenced to prison for ten years! He is still in prison, but his term is about to expire. His former employer, who has never lost confidence in him, has offered him a position; and as he was one of my fellow-members of the Honor Camp, I knew him well enough to guarantee his future.

White was sent to prison in October; in November Gray was placed on trial. It will be recalled that he had been present in the restaurant during the hold-up, but had taken no part in the affair and had himself been robbed of his watch. Nevertheless, he was found guilty and sentenced, as an old offender, to thirty-nine years!! He is still in prison; and due to remain at least twenty years longer — for a crime he did not commit.

In the meantime, what about Black, who was the guilty party, and against whom the proprietor had originally made his charge? He was left alone by the police until on his trial Gray gave evidence which implicated both Black and Brown. The latter had recently died; but Black was at last arrested, in due time tried, pleaded guilty and was given — not thirty-nine years like Gray — not ten years like White, — but a sentence to Elmira Reformatory, where he was detained for one year and twenty days!

One unfamiliar with the manners and customs of the underworld and its connection with the social structure might naturally wonder at this light sentence for Black. Was it merely an

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interesting coincidence that Black had a step-brother who was a detective in the police department?

The bad results upon our penal system of such instances of gross injustice can hardly be over-estimated. The typical "crook" is a thoughtful person; he is no fool. And such examples not only give him plausible excuses for his attitude toward the community, but confirm him in his genuine belief in the hypocrisy and crookedness of society in general. And the explanation of such disgraceful cases is not alone political corruption affecting the police, although that of course has much to do with it, but a thoroughly false *esprit de corps* in the police department; the notion that the snap judgment of a policeman should be regarded as infallible; and that a man once arrested must suffer, if necessary, in order that the honor of the force may be duly preserved.

I do not mean to say that such instances as I have given are common, — they are not; but neither are they by any means rare. One cause of their existence is the pressure upon the police caused by the sensationalism of the daily press. Whenever an interesting crime occurs, the newspapers howl for an immediate victim. The police, hounded by the reporters, have no chance to make the still hunt which may be necessary; the reportorial notion being to follow that policy known as "hunting rabbits with a brass band."

So the police frequently take the shortest way out of the difficulty; drag in the most convenient ex-convict and give to the reporters the most lurid accounts of the "desperate criminal" they have captured.

The proper attitude of the police should manifestly be one of intelligent aloofness and thorough impartiality. It is not the business of a policeman to assume the guilt or innocence of any one. He should not become a mere machine, of course; but he should be without prejudice, without pride of opinion, and above all, without a passion for forming theories of any kind in advance of the facts. In other words, the function of the police is to capture the criminal, not to judge him.

Now assuming that the criminal is caught and is before the bar of justice; what next?

Theoretically of course, according to the fundamental basis of English law, even the criminal is presumed to be an innocent man until the proper tribunal has adjudged him guilty. In practice, however, this is often very far from the case. If the offence charged is a serious one, the accused man is indicted by a grand jury, before whom he has no right to appear; he may be kept in ignorance of the witnesses or the nature of the evidence against him; if he is poor and without friends, the case may be hurried along, with little

or no opportunity for him to take advantage of the rights which the law is supposed to allow him, and a district attorney has been known by a contemptible trick to deprive him altogether of some of those rights; and he may be fairly railroaded to prison. Of course this gives him so strong a sense of grievance that it will persist through his term and dominate him when he returns to society.

Even if he be a man of some consequence, he may suffer the experience which a friend of mine went through and of which he writes me the following account:

> The system of indictment by grand juries was instituted to protect persons against the arbitrary action of petty judges, who often committed a man for trial without sufficient cause, and sometimes for political or other improper reasons. It was never contemplated, however, that a man should be deprived of his right to meet and hear his accusers in the first instance in open court, with an opportunity to defend himself. It was only after such a preliminary hearing, and as a further protection to the accused, that it was provided that a further examination by a grand jury should be made before one could be put on trial.
>
> This system has now been perverted, so that a man can be indicted and put on trial for a serious crime without knowing who his accusers are, what they say, or what is the exact nature of the crime charged.
>
> After some rather strenuous work on [a certain public matter], I was indicted for a contemptible crime. I knew nothing, or next to nothing, of what I was accused of doing, and I was unable to find out. I could not find out what my accusers had told the grand jury, or even who they were.

I could not get a trial within a reasonable time, although I made strenuous efforts so to do. I gave bail against my better judgment, and on what now seems to me to have been the wrong advice of counsel and family.

After two years of annoyance and the expenditure of over fifty thousand dollars in preparation for defence, the district attorney, who procured the indictment, on the eve of trial made public announcement that he had been mistaken and deceived, that he fully exonerated me, and that he hoped that the public would do the same. This last was the most maddening thing of all to me. The district attorney was glorified, and I was congratulated.

The weak and dirty scoundrel who was my accuser was caught and sent to prison, but here again no good was accomplished. He did not reform. He has since been convicted of a similar offence; and the real culprit is to-day holding what is really the most powerful position in our state government, — namely, that of district attorney of X—— County."

In this connection a passage from Sir James Stephens' "General View of the Criminal Law of England" is interesting:

It is a curious feature of the English law that any person may present a bill of indictment against any person whatever for any crime whatever, except a few such as "perjury, conspiracy, false pretences, libel, and certain offences under the newspaper act," without having given notice to the accused, or going before a magistrate. It would be perfectly lawful for any man to accuse the most distinguished person of treason, murder, rape, or any other crime except those mentioned, by false witnesses, without notice, without any previous authority or inquiry whatever; and to have the accused arrested and locked up in prison under

circumstances under which he may find it difficult to get bail, and in which he may find it impossible to know what was the evidence given against him. It has often surprised me that this is not in fact done. I think that all persons charged with crime should be taken before a magistrate before committal, and if the magistrate refuses to commit, the accuser should not be allowed to send up a bill unless he causes himself to be bound over to prosecute, and makes himself liable to costs.

Perhaps you will say, what has all this to do with penology, the "study of punishment for crime"? I answer: Everything. The state of mind of the person to be punished is a vital element in the problem; and the attitude and performances of those who run the legal machinery which sends men to prison is of enormous and lasting importance.

When a criminal is indicted, distinction is made between misdemeanors and felonies. Some crimes are in one category, some in another; a felony being the graver offence and punishable by a prison sentence, while the misdemeanant is fined or sent to jail or penitentiary.

The purely artificial nature of some of our legal distinctions may be studied in certain cases involving the difference between felonies and misdemeanors. Petit larceny is a misdemeanor, grand larceny a felony; yet the difference between them is only one cent, $50 being the dividing line. Or the difference may be only one minute of time;

certain misdemeanors changing to felonies after six o'clock in the evening; and back to misdemeanors again at six o'clock in the morning.

Here are a few interesting cases:

A certain third-termer, discharged from prison and returned to his usual haunts and habits, was accused of stealing a diamond ring and indicted for grand larceny. In court the *corpus delicti* was produced — the ring; which, upon examination, proved to be not diamond but paste. The case was therefore dismissed as grand larceny and a new indictment found for petit larceny. Then the lawyer interposed the objection that a man could not be tried twice for the same offence!

Another discharged prisoner stole some ostrich feathers valued at sixty-five dollars, (grand larceny). On the trial the clever attorney for the defendant produced a newspaper he had unearthed, dated on the day of the theft and advertising a bargain sale where ostrich feathers similar to those stolen were marked down to forty-five dollars, (petit larceny).

Some of the Western states, where horse-stealing is more serious than it is in other sections of the country, finding their courts much troubled by quibbling over the value of stolen horses, have made the theft of "any four-legged animal" grand larceny; with the result that upon one occasion a man who had appropriated a dog worth four dollars was sent to prison for four years.

An illustration of time values occurred in one of the Western states; a burglar discovered years ago that the penalty for burglary in the second degree, (by day instead of by night), was only from one to five years. So he deliberately adopted daylight burglary as a profession; and made himself an expert. He has served five terms — none longer than three years. Each time he is released, he commits from ten to one hundred day-time burglaries before he is caught. He carries a full complement of tools; revolver, skeleton keys, black-jack et cetera. He does the thing thoroughly and systematically; and is a menace to human life.

While this mature criminal has been going in and out of prison doing short terms, young boys for first offences have been receiving prison sentences ranging from five to fifteen years for breaking into barns, boat-houses or box-cars; because the law says that burglary after sundown must be punished by a long term in prison.

While it is somewhat aside from our subject, I cannot refrain from mentioning a genial custom of the state of California. Burglary in the second degree calls for a state prison sentence of not less than thirty days nor more than five years. A hobo, found in an empty box-car, pleads guilty to this crime; but having stolen nothing, gets the minimum sentence — thirty days. A deputy sheriff cheerfully accompanies the hobo to the

state prison, six hundred miles distant from some parts of the state. At the end of thirty days the hobo gets a new suit of clothes, five dollars in cash, and a railway ticket back to the place from which he came, and which he can use or sell, as he prefers.

What a delightful game; in which so many are winners! The deputy sheriff wins — he has a pleasant junket, with all expenses paid, to San Francisco and return; the hobo wins — even if he has to work for thirty days, he gets thirty days' bed and board (not a bad thing in the winter months), a suit of clothes, five dollars in cash, and a ticket that he can sell for as high as twelve dollars; the prison authorities win — they have one more inmate on which to base demand for appropriations; the judge and district attorney win — they have one more successful burglary prosecution to their credit. "Who is it that is being fooled here?" asks Figaro, in the play. We might ask the same question, had we not already learned by experience that it is always "the dear public" who is the loser.

One more case I ought not to omit. In one state there is an inelastic law which provides that any convict escaping from prison shall have his original sentence doubled. Two men escaped together and were recaptured. The judge was compelled to give one of them an additional term of one year and the other one twelve years;

although it was exactly the same offence, and the temptation to escape was certainly far greater for the man with a twelve year term than for the man with only a year.

Reflecting upon such cases one is reminded of Mr. Bumble's prompt and forcible reply on being informed that he was even more guilty than his wife in the eye of the law, because the law supposed that his wife acted under his direction:

"'If the law supposes that,' said Mr. Bumble, squeezing his hat emphatically in both hands, 'the law is a ass — a idiot. If that is the eye of the law, the law's a bachelor, and the worst I wish the law is, that his eye may be opened by experience — by experience.'"

It is not quite fair to jump to the henpecked ex-beadle's opinion that "the law is a ass," because in operation it sometimes works out to absurd results; but we must all echo his hope that the law's "eye may be opened by experience."

Not long since a distinguished judge from Brooklyn visited Sing Sing prison, was much interested by what he saw and especially impressed by the inmates' court. After the hearings were over he spoke to one of the members of the judiciary board, congratulating him on the excellent conduct of the proceedings. "I see," he added, "that you have no code of law nor rules of procedure." "No," answered the

prisoner, with unconscious sarcasm; "we try to run this court by common-sense."

The really serious defects of our courts lie much deeper than the superficial eccentricities just detailed; they lie in the very purpose which the courts set out to accomplish. The law proceeds upon the theory of revenge, — of punishment, for crime; but it attempts also to make a nicely graduated system by which the exact amount of guilt in the offender must be weighed and determined, and the exact amount of revenge administered; — for so much crime, so much punishment.

A few moments' serious consideration will show us that in attempting this the law undertakes an impossibility; — an impossibility which tends to bring the entire system into disfavor, if not contempt. It is impossible for any one human being, or for any twelve human beings, to weigh and determine the precise amount of guilt in each criminal offender by the mere facts of his crime. It is also impossible to gauge the degree of criminality in one man as compared to another; for such insight transcends the powers of humanity.

Who can determine the exact responsibility which each one of us carries? Who can estimate the due weight to be allotted to each element — the inheritance, the early training or lack of

training, the effect of environment, the influence of others, the results of unforeseen circumstances; in order to determine the exact degree of real blame deserved by the perpetrators of each and every crime, and the relative amount of punishment it would be fair to give to each?

Take, for instance, two noted criminals, Bill Sykes and Don José. About these men we know all, — their very souls have been laid bare for us by the genius of the authors; the brutal burglar in Dickens's "Oliver Twist," and the pathetic young soldier of Prosper Mérimée's "Carmen," — best known through Bizet's wonderful music. The one, a hardened ruffian, the product of the streets, has murdered his mistress in cold blood because he learns that she has revealed some of the wickedness of him and his gang. The other, a weak young fellow of good impulses and training who has been entrapped and his career ruined by a heartless prostitute, has killed her in a moment of mad passion. These cases are superficially similar; but to us who know all the facts, what possible affinity is there between the two? It is true that they have both committed the same legal crime, murder in the first degree; but what then? If Bill Sykes were set free, he would at once return to his old life of theft and murder; he would continue a criminal, for he knows no better. If José were liberated, he would go quietly back to his mother's cottage,

his mad passion for Carmen all burned out; and soon he would be married to his old flame, the good girl Michaela, and settling down to a useful, law-abiding farmer's life.

To place two such different men in one and the same category, — to deem them guilty of the same crime, — is to shut your eyes to all the most essential facts of human nature; and to mete out to them the same punishment is to be ridiculous as well as inhuman.

My point is also illustrated by a case which occurred some years ago in New York City. The conductor of a street car, to oblige the motorman, took the latter's place for a few minutes late one night. The car struck a cart, the driver of which was thrown out and killed. The conductor was found guilty of manslaughter, and was sentenced to serve ten years in state prison.

Most persons, I suppose, felt that a gross injustice was done in this case; but they failed to see just where lay the fault. The conductor broke the law, and a man was killed. He did not intend a crime, it is true, but he did commit one; and the court could make no exception in his particular case; it could only find him guilty and send him to take his punishment along with thieves and murderers, when he was not in reality a criminal, he was only a fool.

It is true that society needs to be protected against fools as well as against criminals; but we

have no right to assume that because the facts in one crime may be superficially the same as in other crimes, therefore the punishment ought to be the same; regardless of the fact that the fool and the criminal need different treatments.

The courts make serious mistakes when the psychological elements of the case are not taken into consideration; but it is frequently still worse when the courts endeavor so to do; for of all human agencies for probing into a man's soul, the courts, as at present constituted, are probably the worst. The whole situation of a man on trial is calculated to make this so. The ridiculous and antiquated rules of evidence render it impossible on the witness stand for him to be natural; if he wants to tell the exact truth, he has every appearance of being a hesitating liar, while the practiced prevaricator rattles off his false testimony with a glib tongue, impressing the jury with his extreme accuracy and open-hearted sincerity.

When I was at college the old examination system, with its exact percentages, was in full swing. Once in a while one met a sensible teacher, like old Professor Sophocles, who taught Greek and utterly refused to correct the examination books of his students, saying that, as they didn't know anything, anyway, it was a waste of time to pay attention to the matter. He had to give them some marks, of course, so he just wrote

down whatever ones happened to strike his fancy. Most of our instructors, however, were unhappy and overworked slaves of the system.

I recall an examination in chemistry in my freshman year. It so happened that if there was one subject about which I knew rather less than of any other, it was chemistry. So a classmate friend of mine, who had rather a special talent in that line, agreed to study with me a couple of evenings before the semi-annual examination and endeavor to fill my chemical vacuum with some of his superfluous knowledge. He did so; and I think his wrath was perfectly justified when the result of that examination was recorded and he found that my percentage mark was seventy-four, while his was exactly two per cent lower.

Speaking, therefore, as one who benefited relatively by the examination system, I have no hesitation whatever in saying that it was nothing more than a comic absurdity. The efforts of the courts to grade men in crime belong to precisely the same category — except that here the absurdity is tragic.

It would be bad enough, if all cases were decided by one judge of superhuman capacity, knowledge and judgment. But as there are dozens and hundreds of judges in every state; judges who have never visited a prison and have only the vaguest ideas of how the sentences they give will

be executed; judges differing from each other in their estimates of men, in their conceptions of law, in their understandings of statutes; and differing even from themselves in varying states of temper and digestion; it is confusion worse confounded. It speaks well for the lawyers and judges that things are not very much worse. Still it does give one an uneasy feeling when a friend, just finishing a "twelve year bit" in prison, informs one that he was brought into court on five charges; and was tried, convicted and sentenced on the only one of the five of which he was innocent!

Fortunately the remedy is not far to seek; it is the indeterminate sentence.

Most convicts will agree that they ought to be in prison. Speaking with one in my office at Sing Sing last winter, he said something about being innocent of the crime for which he was convicted. "Well," said I; "isn't it a fact that you ought to be here on general principles?" The man glanced at me keenly for an instant, then grinned and said: "Well, yes; I guess on the whole perhaps I had."

Although most convicts will thus agree that it is not unreasonable that they should suffer exile from society, yet there is among them almost universal resentment and sense of grievance; because each man believes that another

man has somehow come off easier than he has; that his percentage of punishment is higher than others, who are equally or more guilty. In other words, it is the degree rather than the fact of punishment that makes our criminals go to prison with a grievance.

Then, after sending many hundreds of men yearly to prison, each one with a certain percentage of punishment which it is not humanly possible to fit exactly to the facts of his case, we let them out of prison and back into society without the smallest guarantee as to whether they are able to "make good" or have the slightest intention of "going straight."

Imagine a hospital at the entrance of which stands the office of the doctor. Into this office steps every patient who is to be admitted to the hospital. The doctor diagnoses each case as carefully as he can, in view of his crowded waiting-room; and then prescribes for each, in advance, the exact period of time he is to remain in the hospital. To this man, sick with the measles, he allots three weeks; this one, with small-pox, three months; this one, with a case of the grippe, two weeks; this one, with tuberculosis, — well, a man with a severe case the doctor considers too much of a bother, so he kills the tubercular patient and gets him off his mind and out of the way.

With the exception of this last man the patients come out at the end of their exactly specified time.

The man with the measles is not cured; but he goes out and spreads the disease through the city until he can be caught and interned in another hospital for another specified term. The man with the small-pox is not cured; but he goes out in his turn, to spread his disease through the community until he is caught. The man with the grippe is over his mild attack before half his term expires; but he can not leave; he must remain — at the expense of the community, until his term is up. But in the meantime, he catches the measles or the small-pox or both; and when he goes out, it is his turn to poison the community. And all this time the cheerful doctor is busy prescribing for the less dangerous patients who are coming in and paying no attention to the more dangerous ones who are going out.

This is not a fanciful picture. The diseases — mental, moral and physical — which the ex-convicts have been bringing out of state prison, have been even more dangerous to society in the long run than would be the diseases which would come from a hospital conducted so insanely as the one I have described. In New York over two-thirds of the men in its four state prisons are recidivists; is that not good proof of the failure of our prisons to send out, at the end of their terms, men fitted to meet the world? Does it not point to the failure of the system under which our courts are acting?

The sensible way would be to confine the action of the courts strictly to a determination of the facts. Let there be no attempts to determine motives, no pleas of insanity with hired liars masquerading as experts. When a deed of violence is done, so far as society is concerned it makes no difference what is the motive; a man who commits murder is dangerous, whether he is demented or not. What society is really interested in is to get the murderer removed to a place of safety where he can not continue to murder. The question of his sanity does not become of interest or importance until the question arises how the man shall be treated after sentence. All questions relating to the character of the criminal, the motives of the crime, the circumstances and conditions surrounding the case, are important matters and should be considered after the man gets to prison; but they have no place in a court of justice.

The matter has been well put by Professor Gustav Aschaffenburg:

> The judge is confronted by one of the most difficult tasks conceivable, one that is frequently impossible, the finding of a formula that unites the subjective and the objective guilt. The solution of this difficulty is, above all, impossible when the success of an act is either greater or less than was intended. In the case of an attempted murder which fails because the murderer does not use the poison properly or miscalculates the range of a revolver,

when an attempt at arson fails because the offender did not notice that the hay was wet, when a burglar opens an empty safe, — in all the mere attempts at crime, — the damage done is often slight or entirely lacking, while the subjective guilt often stamps the act as particularly dangerous in the sense of retributive justice. The opposite is the case with liability for the consequences which makes a man answerable for events of which he has been the cause in a slight degree only. If a fight leads to the death of one of the participants, not because he was seriously injured, but because he did not take care of a harmless scratch and died of the blood-poisoning that ensued, his death is laid at the door of the man he fought with. The same is true . . . of the pedestrian whose falling match causes a fire in which people perish. What determines the amount of guilt? The result, the subjective guilt, the general make-up of the offender?

We find ourselves entirely at sea as soon as we — still led by the fiction of a just retribution — attempt to consider the individuality of the offender.

As a matter of fact, the motives for crime are as various as the criminals. Take plain stealing, for example. I have discussed with many thieves, frankly and fully, the reasons for their undesirable activities; and I have found no two alike. One steals because he dropped into the habit, almost by accident, and keeps on because it is a habit; another enjoys the excitement; still another needs the money for wife and children, and can gain more by crooked than by honest work; a fourth has been trained by a Fagin in early childhood and regards it as a profession; in a fifth you

may find one who really likes to prey upon society, but in my experience these last are rare.

In short, every hundred criminals sentenced by the courts will be a hundred different men, constituting a hundred different human problems, needing a hundred different methods of treatment to make their punishment successful. Punishment of some kind society is justified in giving; the only questions are what kind, and how much. The criminal has interfered with the orderly progress of society; he should be punished, — impersonally, not unfairly, not revengefully, but sternly and inevitably. It is justice, not mercy that he should receive from the courts.

In this connection the old legal maxim should not be forgotten, that less depends upon the severity of a punishment than upon the certainty of its infliction. Were a single penalty, — a sentence to prison for an indefinite period, the punishment of every crime, (with proper provision for a return of the criminal to society when he was convalescent and fit to return and *not before*), we should have a maximum of the deterrent effect of punishment, and a maximum certainty of infliction.

It is perhaps significant, that when Portia makes her wondrous plea for mercy, which illumines the trial scene of "The Merchant of Venice," she does not address herself to the court; it is a

personal appeal to Shylock, the claimant. On the contrary, when Bassanio urges her to force Shylock to show the mercy she has implored, Portia's answer is decisive:

> It must not be; there is no power in Venice
> Can alter a decree established:
> 'Twill be recorded for a precedent,
> And many an error, by the same example,
> Will rush into the state: it cannot be.

Herbert Spencer, writing of the rules to be laid down by parents in the training of children, makes this suggestion, which might well be followed by our law-makers and judges:

> Whenever you *do* command, command with decision and consistency. . . . Consider well beforehand what you are going to do; weigh all the consequences; think whether your firmness of purpose will be sufficient; and then, if you finally make the law, enforce it uniformly at whatever cost. Let your penalties be like the penalties inflicted by inanimate nature — inevitable.

Let the courts, therefore, determine the fact of the crime only; let the jury decide whether or not the deed was done, whatever the motive; and when the verdict of guilty is pronounced, let the judge arise and say to the prisoner something like this:

"Friend and brother, it has been determined by an unprejudiced tribunal of your fellowmen that you have done this thing. As for your

intentions, we do not presume to judge; as for your motives, they can be known only to yourself and God; as for your act, it makes no difference what it was, so long as it is dangerous to society. You are an impediment to its onward march; you are out of gear with its intricate machinery. Your relations with God we leave with God, for we neither grade your crime nor brand any man as a criminal. Your relation with society, society has a right to regulate; and society decrees that you remain in exile from it until you have shown by your conduct that you are fit to return to it. Every help will be given you, every incentive will be offered you to learn your lesson. Then, when you have learned it, — be that time long or short, — society will welcome you back again to its midst. It will not turn its back upon you because your very return will show that you have worked out your own salvation, — that from the bitterness of experience you have learned the truth you would not or could not learn without it. Friend and brother, until that time comes, farewell, and may God go with you."

It is often said: "We send criminals to prison to be punished"; and this assumption is then made the basis of much argument and criticism to the effect that we should not endeavor to ameliorate the condition of men in prison. But the statement is only another of those treacherous

fallacies we must avoid, if we would reach correct conclusions in penology. What is meant by saying: We send criminals to prison to be punished? Do we mean that after we get men to prison we shall proceed to torture them; condemning them to the ruin of health in body, mind and soul? Whether we have meant it or not, such has certainly been the process going on in our prisons up to the present time.

Upon analysis, however, we realize that such is not really our intent. We do not send men to prison to be punished; *we punish men by sending them to prison;* which is a very different thing. The imprisonment is the punishment; and the direst punishment that can be meted out to any man. Severe as it is, however, society has the right to inflict it upon the offender who is interfering with the orderly progress of civilization. And when I say that society has the right, I mean that such an act is wise, because it can be made to inure to the benefit both of the community and of the individual who has offended. But while society has the right to send a man to prison, it has no right whatever to deprive him of his health — of his working capacity, his sanity, his faith in God.

In Auburn prison, some months after the establishment of the Mutual Welfare League, — the prisoners' organization through which the new prison system has been operated, — one of

the convicts was brought before a grievance committee to answer some complaint against his conduct. During the hearing one of the committee criticized his attitude. "Have you no sense of loyalty toward the League?" "That's all right," was the answer; "but when I came to prison I was a strong and healthy man; can the League give me back my lungs?"

There can be no dispute about the main facts in this matter. Year after year our prisons have been turning out men crippled in body, broken in mind, calloused in soul. "Do you know how a man feels when he leaves an institution of this kind?" one of the Auburn prisoners, a third-termer, once asked me; "I'll tell you how I felt at the end of my first term. I just hated everybody and everything; and I made up my mind I'd get even."

Every man has implanted in him the power of growth — the necessity of growth. Like any plant, or tree, or other living thing, grow and expand he must; — if not in one way, then in another. The natural way for a human being to grow is governed by the same general laws as govern all other growth. Freedom to absorb from the sunlight, the air, the earth, is the very life of a tree. All we can do to forward its growth is to aid in producing conditions under which natural processes may have free play; — to clear away obstructions, to shelter from too

great extremes of heat or cold during tender youth, to prevent other growths from absorbing too great a share of the life-giving properties of nature. Neglect may maim and kill the young plant; too much care or the wrong kind of care may cause it to wither and die; somewhere between lies the healthy domain of the golden mean.

By some mysterious process of nature, of which the secret has never been revealed to us, man, like other living forces, has the power to kindle the spark of life in his own kind; but his power ends there. Over the subsequent growth he has no positive control, only negative; he can destroy, but he cannot create. He is limited to the arrangement of conditions under which freedom of growth can take place. He can make it possible for a tree to grow; but he cannot make it grow.

It is strange that it has been so hard for us to learn the lesson that the same fundamental principles of growth which underlie the wise care we give to plants and animals hold good for the higher type of education for the children of men. We are ready to give them everything: food, shelter, affection, training (according to our own prejudices), everything — except the one thing most needful — freedom. We have as yet failed to understand fully that in man the firm foundation of true growth is freedom for each individual to develop according to the laws of his own being

— to preserve and perfect the sacred individuality which God has implanted in every one of us; each human being differing from all others — "even as one star differeth from another star in glory."

Imprisonment — the denial of individual freedom, is not only the greatest punishment that society can inflict on man, but you cannot go farther without ceasing to punish in an impersonal way — the way of nature. The various forms of torture which we have from time to time added to imprisonment: — the lash, the paddle, the head-cage, the "stringing-up," the gill of water, the dark cell, all these are not the impersonal decrees of society — they are the personal, vindictive, arbitrary acts of some one or more individuals holding irresponsible authority over other human beings; — a relation which has most disastrous effects in both directions; it not only turns the punished into wicked and revengeful wild-beasts, but it turns the punisher — a good-intentioned man — into an arbitrary and cruel tyrant.

The punishment of imprisonment decreed by society is impersonal and equitable, and carries with it in itself but little real sense of grievance or desire for revenge. Such feelings are brought about when the agents of the state — guards, keepers, wardens or superintendents — begin to be active in and responsible for the beatings, starvings and other cruelties which, in the mis-

taken belief that they were necessary, have made torture chambers of our reformatories and hells of our prisons.

It is the nature of man to retaliate an undeserved injury. If some one in the street suddenly pushes me, I push back as instinctively as air rushes in to fill a vacuum. If some one calmly decides to inflict upon me pain or discomfort, I burn to "get even" with him. What right has that creature — a mere man like myself — to set himself in judgment over me? If you say that he is acting merely as the agent of society, I answer: "Is that true? Has society demanded that that last lash on my bare flesh should be laid on with such stinging emphasis? Does society tell a brutal keeper not only to starve me, but give me a maddening 'tongue-lashing' at the same time?" It is when man is ill-treated by his brother-man that he is goaded into insane fury; not when nature or society carries out a punishment which is equitable, impersonal and just.

It must be assumed that imprisonment is not an end in itself; it is only a means to an end; and the end that society aims to serve by inflicting such punishment upon the criminal is its own self-protection. For that end evil-doers must be discouraged; to secure that discouragement they are punished; and we are told by penologists

that the purpose of that punishment is threefold; *Retaliatory* — to make the offender, by way of expiation, suffer in his turn; *Deterrent* — to frighten both the offender himself and other would-be offenders in the world outside by showing them that retribution will follow crime; *Reformatory* — to so work upon the heart of the evil-doer that he will be led voluntarily to forsake his wickedness. The old punishment for all forms of crime, — death, was certainly retaliatory; it was supposed to be deterrent, — although of that there is something to be said later; but by no possible stretch of argument could it be held to be reformatory. Therefore, when hanging was replaced by imprisonment, it was more than a mere replacing of one form of punishment by another; it brought about the necessity of an absolutely new point of view; society was bound to undertake the reformation of the criminal. The whole question has shifted from how to keep men in prison, to the question of how to send them out. A clever English woman once said to me, contrasting the methods of English prisons with what she had just seen at Sing Sing: "As near as I can express it, it seems to me that in England we aim to produce good prisoners; while here you are trying to make good citizens."

Let us see which of the three objects of punishment seems best adapted to produce success; — the measure of success being the safety of society

from marauders — or in other words, success in producing men who after leaving prison will make good citizens.

The difficulty with prison punishment, so far as its object is *retaliation*, is this: that revenge is a motive not only hateful in itself, but directly productive of hatred and wickedness. This is well expressed in Shylock's utterance: "The villainy you teach me, I will execute; and it shall go hard but I will better the instruction." Moreover, the practical impossibility of "making the punishment fit the crime" has been already dwelt upon; and wherever it does not fit, the result is disastrous. It is bad when a man does not get enough punishment; it encourages him to think that he can always escape with less than his deserts; and thus crime is encouraged. It is bad when a man gets too much punishment; it makes him bitter and revengeful; and thus crime is encouraged. Failure results in either case.

Not only is revenge a motive which utterly fails to accomplish the very object of punishment, it is condemned by religion, as well. "'Vengeance is mine; I will repay,' saith the Lord."

When we consider prison punishment as a *deterrent*, — having in mind its effect upon "outsiders," we are met with the great difficulty that we are dealing with something which is purely theoretical and problematical. How is it possible for any one to know how many men there are in

the world who are frightened away from crime by fear of prison punishment? On such a matter one man's guess is as good as another's; as it depends entirely upon how well he can gauge the motives of men — of the kind of men concerned. It used to be considered necessary to frighten people from crime by hanging them; did it do so? The biographer of John Howard, Hepworth Dixon, tells the following story:

Only a few months ago (1849), the writer was present at the execution of Sale, the murderer. The crowd collected to see the exhibition was enormous. Amongst that crowd was the *mother* of the culprit. When the wretched man came forward on the scaffold, he looked pale and ghastly; but his bearing was insolent, and he died with the apparent insensibility of a dog. "Bravo!" cried his mother, as the drop fell, and the murderer was launched into eternity, "I knew he would die game!" A woman who had lived in adulterous intercourse with the malefactor was with her; they had made up a party to come and see the last of "poor Tom"; and when the tragedy was over, sallied off to a public house and made a day of it. Nor was this all. Amongst the party was another of the Sales — brother to the murderer, son of the woman who instead of shame had found a glory in his death; he had been liberated from gaol only two or three days before the execution. His history is the moral of the gallows. Within a few weeks he was again arrested on a charge of robbery; the crime was clearly brought home to him, and he now lies under sentence of transportation. Another brother had been already sent off to a penal colony. These terrible warnings — hanging and transportation — were inoperative, even to the blood of the sufferers. . . . Within its own sphere

the family of which we speak enjoys a sort of high preeminence — a heroism in guilt.

Commenting upon the fact that in London during eleven years, from 1760 to 1770 inclusive, the number of capital convictions increased from 14 to 91, the same author writes:

> The whole history of jurisprudence suggests that disproportionate punishments *produce* the offences which they are enacted to *prevent*. The human mind revolts at injustice. When the law itself assumes an unjust form and expression, it cancels the sense of guilt in the lower order of minds — sets the example — furnishes the type and the pretext of violence and wrong. The first forged note upon the Bank of England was presented almost immediately *after* the crime of forgery had been declared capital!

History shows, on page after page, the utter futility, in any broad sense, of the appeal to fear. "The blood of the martyrs is the seed of the church." Very true. Do you think there are no martyrs of crime? If you consider the story of the Sales brothers of the last century out of date, how about that crowd of men and boys keeping watch outside the walls of Sing Sing on that cold morning, Easter Monday of 1914, drinking in eagerly the reports of how the four young gunmen were going bravely, one by one, to their deaths in the electric chair?

The appeal to cowardice is the weakest and most contemptible that can be made; and of all men least likely to be moved by it are those who

are drafted into our prisons. We fool ourselves. We are ashamed to admit the doctrine of revenge, we are afraid to trust to reformation, so we fall back upon the deterrent theory; because, although it is impossible to prove, it is equally impossible to refute. In my judgment, for every one case that could be shown of a man leaving a crime uncommitted for fear of the old brutal prison system, you could show a hundred who have committed them because of it.

As for the deterrent effect upon prisoners themselves; my own conclusion, — formed after close acquaintance with many convicts, from the statements they have made to me and from my own reading of human nature, — is that the prison punishment of the past as a deterrent has been a sham and a failure. Most crooks expect to "get away" with their "graft." Each one thinks he is too sharp for the law; or else he has escaped so often that he gets bold; or else he is willing to take his chances; — just as we take our chances on a railway journey, knowing that a certain percentage of passengers are killed or injured. All the prison penalties in the world will not stop him, any more than the law of averages will stop the inveterate gambler; the fact that he has lost one or more times making him all the more sure that he will win the next time, for a run of bad luck can't last forever.

The only purpose of the prison that will stand

the test of intelligent examination and analysis is that of *reformation*. There and there only we are on safe ground; there and there only we can satisfy ethics and common-sense; for unless a man is reformed, how does the present system protect society? The only trouble about the matter has been that up to the present time we have never had a prison system that was really reformatory; because we have never had one in which men were treated like human beings.

The prison problem is frequently spoken of as "centuries old" — as one that has troubled mankind from time immemorial. This is not so. The prison problem, as we face it, is only about a century old; which is not particularly old — for a social problem so serious and so apparently complicated.

In primitive society punishment was left to the individuals wronged or their families, and was vindictive or retributive: in quantity and quality it would bear no special relation to the character or gravity of the offence. Gradually there would arise the idea of proportionate punishment, of which the characteristic type is the *lex talionis*, "an eye for an eye." The second stage was punishment by individuals under the control of the state, or community; in the third stage, with the growth of law, the state took over the primitive function and provided itself with the machinery of "justice" for the maintenance of public order. Henceforward crimes are against the state, and the exaction of punishment by the wronged individual is illegal. (*Encyclopaedia Britannica*)

Originally, the form of punishment was seldom, if ever, imprisonment. "Imprisonment," say Pollock and Maitland in their "History of English Law," "would have been regarded in those old times as a useless punishment; it does not satisfy revenge, it keeps the criminal idle, and, do what we may, it is costly." "From the nature of early Saxon society," writes Ives in "A History of Penal Methods," "elaborate penal machinery had no place. The freemen atoned for their transgressions with fines when possible, and by slavery, mutilation, outlawry, or death when they could not pay. Cruelly as the slaves might be flogged or slaughtered, there were no prisons in the land even for them." As time went on there was a large increase of capital punishment. In the reign of Henry VIII 72,000 persons are said to have been hanged, (which would make about twenty-one persons every four days during the entire reign of that amiable monarch).

After the formation of the English colonies on this continent, the practice arose of reprieving persons sentenced to death on condition of their consenting to be transported as bond-servants. The practice, borrowed from Spain, began in 1597, in the reign of Elizabeth.

In 1766 Goldsmith, in "The Vicar of Wakefield," protested against the indiscriminate hangings:

> Nor can I avoid even questioning the validity of that right which social combinations have assumed of capitally

punishing offences of a slight nature. . . . When by indiscriminate penal laws the nation beholds the same punishment affixed to dissimilar degrees of guilt; the people are led to lose all sense of distinction in the crime, and this distinction is the bulwark of all morality.

The protest of Goldsmith can be better understood when we realize that in the year 1800 there were still in England over two hundred capital crimes; and so late as 1819 there were 180. Since 1838, however, there have been technically but four; and in practice only one, — murder.

Prisons there have been, of course, since time immemorial, but they were, until the abolition of capital punishment, for the most part places of detention — for debtors and for those awaiting trial or execution. These were the prisons visited by John Howard, in every country in Europe and described in his two great books. These prisons "were for the most part," writes Major Griffiths, "pestiferous dens, overcrowded, dark, foully dirty, not only ill ventilated, but deprived altogether of fresh air. The wretched inmates were dependent for food upon the caprice of their gaolers or the charity of the benevolent; water was denied them except in the scantiest proportions; their only bedding was putrid straw. Every one in durance, whether tried or untried, was heavily ironed, all alike were subject to the rapacity of their gaolers and the extortions of their fellows. . . . Idleness, drunkenness, vicious intercourse, sickness, starva-

tion, squalor, cruelty, chains, awful oppression and everywhere culpable neglect — in these words may be summed up the state of the goals at the time of Howard's visitation."

In 1794, the State of Pennsylvania made one of the most momentous changes in history, — the abolition of capital punishment for all crimes except premeditated murder. This altered the whole purpose of prison, the whole theory of punishment, and made inevitable the consideration of reformation as the legitimate purpose of prison discipline.

Faced with the problem of caring for this new group of men — criminals who sooner or later were not to be hanged but returned to society, — the good Quakers of Philadelphia, realizing the horrible conditions resulting from the indiscriminate mingling of all kinds of prisoners in the old prisons, after trying various experiments decided that the best method of treatment was solitary confinement, without work.

An intelligent English traveller, Captain Basil Hall of the Royal Navy, visiting the United States in the year 1827, wrote an entertaining book, describing his adventures. He was much interested in prisons and among the ones he visited were those at Sing Sing and Auburn, N.Y., Wethersfield, Conn., and the Pennsylvania Eastern Penitentiary. He also describes the jail

at Philadelphia, and gives us a notion of why solitary confinement at first seemed like a substantial reform:

Nothing, I thought at first sight, could be much worse than the scene which I now witnessed. Some of the prisoners had been sent there for petty offences, some to take their trial for the most heinous crimes; but the whole mass of guilt, by conviction or by anticipation, or by mere suspicion, black and white, were all huddled indiscriminately together in a great court-yard, or under a long covered shed, where they were left to lounge about in absolute idleness, and to indulge in the most unrestrained intercourse; forming, as my friend justly observed, a complete high school of practical iniquity.

Captain Hall's guide, an advocate of the solitary system, asked if anything could be worse than what he saw and did not he think separate cells would be better. Admitting that it was difficult to conceive of anything worse, the Captain remarked that at least it was satisfactory to see no boys.

"Oh!" said the keeper, with an air of glee, and a sort of chuckle, as he rattled a bundle of keys, "we keep the youngsters in another part of the establishment, quite in a different manner; they can come to none of the mischiefs of evil communication."

"I should like much to see how you manage that," I observed to him.

So he and I, leaving the rest of the party, walked off together through a long series of half-darkened passages joined by flights of steps, some leading up, some down, till at length, far away from the rest of the world, we came

to a range of cells, each ten feet by six, the passage with which they were connected being feebly lighted by a narrow window at the end. These dens were closed by iron doors, with chinks left for air, and in each of them was confined a single boy, who was left there both day and night, in absolute solitude; — without employment of any kind, without books, and far beyond the reach of appeal to any human being.

I went close to one of the cells, in which, as soon as my eyes became accustomed to the degree of light, I could distinguish, between the plates of iron which formed the door, a fine-looking lad, about thirteen years of age. On asking the keeper what crime the boy had committed to merit such severe punishment, I was told that he had twice ran away from his master, to whom he was apprenticed. This was literally the sole offence for which he had been thus caged up during no less a period than nine weeks!

"Speak to him, sir," said the keeper. — I did so, and asked him how he liked it?

"I am very miserable, sir," he said, "I am almost dead."

"What do you do with yourself — how do you employ your time?"

"I just walk up and down here — miserable!"

"Have you no books?"

"No, sir."

"Did not you tell me a little ago," said I, turning to the keeper, "that in every cell there was a Bible?"

"O, yes, I did; but all those belonging to the boys were worn out and gone long ago."

"Have they, then, absolutely no means of employing themselves?"

"None whatever," was the reply.

This experience apparently confirmed Captain Hall in his disbelief in solitary confinement, as

well it might. He gives us his conclusions in the following really remarkable passage, — remarkable in its sympathy and insight for the year 1827:

As far as I have been able to learn, all the experiments which have been tried in America on solitary confinement have proved its inefficiency for any purpose of reformation; while there is abundant reason to suppose, that in very many cases — I believe a majority — it leads to insanity or to suicide. It is difficult, indeed, to see how any good can spring out of compulsory idleness in a prison when the whole analogy of external life proves it to be the parent of every mischief. It ought always to be borne in mind, also, that it is no part of the object of prison discipline to torture the prisoner, merely as a punishment for his offences, independently of its effect as an example to society. Neither, of course, should a jail be made a place of amusement. It ought certainly to be rendered exceedingly irksome to the culprit; but, as far as he is concerned, its discipline, bodily and mental, should not be more severe than will make him fully sensible of the folly of his past ways. In order to accomplish this at the least expense of permanent human suffering, the criminal should, if possible, be so treated, that when he gets out again, and starts afresh in the world, he should be less inclined to do mischief than he was before. The only serious doubt is, whether there is much chance of amendment taking place in a vicious and ill-regulated mind, if left to commune exclusively with its own thoughts, in solitude, with or without labour, but deprived of every ray of cheerfulness to lend efficacy and confidence to virtuous resolutions. The occasional visits of the clergyman may certainly relieve the fearful misery of absolute solitude; but unless the prisoner's mind be more or less habitually enlivened, even these lessons will fall on a soil unprepared to give them efficacy.

It seems strange, when some men could see so clearly and reason so sensibly, that the folly and wickedness of solitary confinement should have persisted; but it still has its advocates, and some countries still retain it as a regular system. Events, however, have shown that the systems which have succeeded have also been failures. The pathetic experiments with the helpless human beings exiled from society and kept in confinement by the state have been both numerous and varied; and some of them we must study later; but the results have always been the same. Each generation has made its attempts to reform the prisons, and has passed laws to restrain the worst of the brutalities that perpetually grow up to take the place of those forbidden. But always there have been new scandals, new revelations to shock society, new exhibitions of "Man's inhumanity to man." Because always we have kept to the fore the notion of revenge. Or if not revenge, then of punishment so terrible that it will inculcate fear. This desire is itself bred of fear; and fear always begets cruelty and stupidity. The pages of history may be searched in vain for a successful attempt to induce through fear any large group of human beings to act, think or feel otherwise than as they desire — or as God wills; — for sometimes it is that higher power that makes for righteousness which dominates our feelings, our actions.

The belief that men could be turned through fear from their natural selves to something that some other man wants them to become is the greatest and most pathetic fallacy of the centuries.

Thus sings the poet of Reading Gaol:

I know not whether Laws be right
  Or whether Laws be wrong;
All that we know who lie in gaol
  Is that the wall is strong;
And that each day is like a year,
  A year whose days are long.

But this I know, that every Law
  That Men have made for Man,
Since first Man took his brother's life,
  And the sad world began,
But straws the wheat and saves the chaff
  With a most evil fan.

This too I know — and wise it were
  If each could know the same —
That every prison that men build
  Is built with bricks of shame,
And bound with bars lest Christ should see
  How men their brothers maim.

With bars they blur the gracious moon,
  And blind the goodly sun;
And they do well to hide their Hell,
  For in it things are done
That Son of God nor son of Man
  Ever should look upon!

III

THE OLD PRISON SYSTEMS

IT is always hard to realize that a social method or institution that strikes us as obsolete represents what was once a reform of an earlier maladjustment.

> New occasions teach new duties; Time makes ancient good uncouth;
> They must upward still, and onward, who would keep abreast of Truth.

One must bear in mind, therefore, in estimating the different attempts to solve the prison problem, that each one represents the recognition of earlier failure, and an honest effort on the part of many estimable men of a former generation to discover the right solution. Up to the present time, however, all the various attempts have been alike in this: they have left out of consideration entirely the one most essential element of the problem — the human nature of the convict. This cannot be too much emphasized. "We were walking about unarmed amongst cut-throats and villains of all sorts," wrote good Captain Hall in 1827, of his visit to Sing Sing; and he elsewhere speaks of "the evils incident to this necessity of maintain-

ing a permanent class of ruffians, gradually increasing in numbers, in the very heart of the community." Society still thinks of the mass of men in prison in terms of ruffians, cut-throats and villains.

As we have seen, our prison problem did not arise so long as the punishment for two hundred or more crimes was hanging. That system of getting rid of malefactors was at least logical and in one point satisfactory: the criminal did not return to society to commit new offences, — to begin an endless chain of recurring crime and reimprisonment. A year ago I was sitting in my office at Sing Sing prison conversing with a convict. "Have you ever done a previous bit?" I asked. He looked up at me with a glance of humorous sarcasm and responded, briefly: "Eleven!"

While it is difficult, if not impossible, to get accurate statistics in this as in other prison matters, it is estimated that two-thirds of the men in our State prisons are recidivists. I believe this estimate is low for New York State; and while the figures will vary in different localities, I should be surprised if the prison population of the country at large did not include more than 65 per cent of recidivists.

Dr. William Healy, in his "Physical Bases of Crime," states "the fact that out of 168,000 offenders, convicted in England in 1910, 104,000

had been convicted previously, 65,000 of these had been convicted more than two times before, and 12,000 of them had been convicted upwards of twenty times previously." Reduced to percentages this means that of the total of 168,000 convicted during the year, 61.9 per cent were recidivists; 38.7 per cent had been convicted more than twice before, and 7 per cent had been convicted upwards of twenty times before. If England shows nearly 62 per cent of recidivists, it is safe to say that the United States is several per cent higher.

How serious a social problem it is with which we are dealing may be gathered from a revised statement issued by the United States Census Bureau in 1914, in which it appears that in 1910 there were in this country 2,823 penal institutions; and from these there were discharged during that year no less than 476,468 inmates. Is it not worth while to seek for a system which will keep out of jail, penitentiary and prison this army of men? Is it not well for us to seek protection from the evils which this army brings back, as its members return to society? There are those who fear a foreign foe; do they ever give a thought to this enemy within our gates? An enemy for which we are directly responsible; which is encouraged and developed by ourselves.

The real prison problem of today is the problem of the recidivist. How can we so order things

that upon his return to society the wicked will cease from troubling? How can we stop the endless procession of men passing from one institution to another? Up to the present time we have not found answers to these questions, although we have been trying to do so for more than a hundred years. One reason for this failure has already been given, — ignorance of the real character of the criminal; another reason is the vagueness which has surrounded the nature and purpose of punishment; still another is the careless indifference, growing out of such ignorance, which society has shown towards the wards of the state.

Even before there was seriously undertaken in England the improvement in prisons advocated by John Howard and a group of zealous reformers, Prison Reform had begun in this country. In 1794 the State of Pennsylvania abolished capital punishment for the lesser crimes; in 1795 New York followed her example; and soon the prison world was dividing itself in two groups — one advocating for the punishment of criminals the Philadelphia system, the other the Auburn system.

Captain Basil Hall, the intelligent Englishman, whose book of travels has been already quoted, had an excellent opportunity to compare the two systems. After arriving in Philadelphia:

On the 4th of December, we visited the new Penitentiary, in company with one of the principal managers. The building is of considerable extent, and is not without architectural beauty; but, I am sorry to say, I think it entitled to no further praise.

After describing the building, as it still stands; and the routine, which has happily been greatly modified; our English traveller sums up the situation in these sensible words:

The Auburn plan, it may be useful to remember, consists in the strictest solitary confinement at night — in hard labour, but in rigid silence, by day, and always in company, though under constant superintendence — in solitary meals, under lock and key — in regulated marchings to and from their workshops — in subjecting the prisoners to stripes for infractions of the prison rules — and in their never being placed in absolute solitary confinement, except as a punishment of a temporary nature — in having prayers morning and evening said regularly by a resident clergyman, with whom alone the prisoners are allowed to converse, and that only on Sundays.

The Philadelphia plan is widely different from this. It is intended that the prisoners shall be subjected, during the day as well as night, to separate confinement, either in solitary idleness, or in solitary labour; along with which they are to be allowed no more exercise than what they may themselves choose to take in their little courts. The keeper is the only person, besides the clergyman, who is ever to see them, and a Bible is to be placed in each cell. By these means, it is expected that while many of the prisoners will be reformed, a salutary terror will be spread over the evil spirits of the State, and crime will thus be doubly prevented.

The good Quaker theorists of Pennsylvania had no doubts as to the merits of their system; witness the second report to the Pennsylvania Legislature of the Inspectors of the Eastern Penitentiary, in 1830, forty years after the establishment of the system, and after they had supplied work in the cells:

> Intemperance and thoughtless folly are the parents of crime, and the walls of a Prison are generally peopled by those who have seldom seriously reflected; hence the first object of the officers of this institution is, to turn the thoughts of the convict inwards upon himself, and to teach him to think; in this, solitude is a powerful aid. Hence this mode of punishment, bearing as it does with great severity upon the hardened and impenitent felon, is eminently calculated to break down his obdurate spirit; and when that important object of Penitentiary discipline has been gained, (and in any Prison it frequently is), and when the prisoner has once experienced the operation of the principles of this institution on a broken spirit and contrite heart, he learns, and he feels, that moral and religious reflection, relieved by industrious occupation at his trade, comfort and support his mental and physical powers, divest his solitary cell of all its horrors, and his punishment of much of its severity. The impression thus made, instead of being destroyed by the sneers of ruffians, is cherished and fixed by the officers of the Prison.

Was there ever a more ghastly instance of religious cant and false reasoning? The theory that the object of the prison discipline is to break a man's spirit is one of those monstrous fallacies which reach the level of blasphemy; yet it

has continued to the present time. The report continues:

> No prisoner is seen by another, after he enters the walls. When the years of his confinement have passed, his old associates in crime will be scattered over the earth, in Prison, or in the grave, and the reformed prisoner looks forward from this Penitentiary with a hope, that he may pass his life, after the expiration of his sentence, undiscovered by the community of convicts — etc.

Need we continue the passage? This gloating over the death and dispersal of a prisoner's friends is too painful.

"Great terror," we are told, "is known to have been impressed upon the minds of the convict community by this institution"; and the Board proceeds to congratulate the public that "the most knowing rogues avoid committing" crime in the neighborhood. Possibly the knowing rogues migrated to New York; it being easier to "move on" such undesirable problems than to reform them.

Captain Hall had already made, in advance of the Inspectors' report, this sensible comment upon the argument of terror:

> I heard at Philadelphia one curious argument in favour of the solitary system: It was said to be so dreadfully severe, that it would frighten all the rogues liable to its action, out of the State of Pennsylvania altogether! But if this, which was gravely stated to me, were justifiable, fire, or any other species of torture, would be preferable; because,

while equally effectual, it would be more transient in its operation, and if it stopped short of death, less horrible to think of, from being applied to the body, not to the mind. I speak this in sincere earnest, being of opinion after much patient investigation of the subject, both in North and South America, and elsewhere, that there really is no torture more severe, even to a virtuous mind, than absolute solitude; and that to one which has nothing but vice in its retrospect, the misery becomes absolutely unbearable.

There were other criticisms than those of good Captain Hall. The Prison Discipline Society, a reform organization formed in 1826 with headquarters at Boston, persistently threw its influence for many years against the Philadelphia system. It was left, however, for another English traveller, one Charles Dickens by name, to deal it a staggering blow. The great novelist visited Philadelphia in 1842; and his account of the Eastern Penitentiary forms a vivid chapter in the "American Notes."

The system here [he wrote] is rigid, strict, and hopeless solitary confinement. I believe it, in its effects, to be cruel and wrong.

In its intention, I am well convinced that it is kind, humane, and meant for reformation; but I am persuaded that those who devised this system of Prison Discipline, and those benevolent gentlemen who carry it into execution, do not know what it is that they are doing. I believe that very few men are capable of estimating the immense amount of torture and agony which this dreadful punishment, prolonged for years, inflicts upon the sufferers, and in guessing at it myself, and in reasoning from what I have seen written

upon their faces, and what to my certain knowledge they feel within, I am only the more convinced that there is a depth of terrible endurance in it which none but the sufferers themselves can fathom, and which no man has a right to inflict upon his fellow creature. I hold this slow and daily tampering with the mysteries of the brain, to be immeasurably worse than any torture of the body; and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh; because its wounds are not upon the surface, and it extorts few cries that human ears can hear; therefore I the more denounce it, as a secret punishment which slumbering humanity is not roused up to stay. I hesitated once, debating with myself, whether, if I had the power of saying, 'Yes' or 'No,' I would allow it to be tried in certain cases, where the terms of imprisonment were short; but now, I solemnly declare, that with no rewards or honours could I walk a happy man beneath the open sky by day or lie me down upon my bed at night, with the consciousness that one human creature, for any length of time, no matter what, lay suffering this unknown punishment in his silent cell, and I the cause, or I consenting to it in the least degree.

There follows a description of different prisoners with whom he talked; and then he sums up his impressions as follows:

On the haggard face of every man among these prisoners, the same expression sat. I know not what to liken it to. It had something of that strained attention which we see upon the faces of the blind and deaf, mingled with a kind of horror, as though they had all been secretly terrified. In every little chamber that I entered, and at every grate through which I looked, I seemed to see the same appalling countenance. It lives in my memory, with the fascination

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of a remarkable picture. Parade before my eyes, a hundred men, with one among them newly released from this solitary suffering, and I would point him out.

. . . . . .

My firm conviction is, that independent of the mental anguish it occasions — an anguish so acute and so tremendous, that all imagination of it must fall far short of the reality — it wears the mind into a morbid state, which renders it unfit for the rough contact and busy action of the world. It is my fixed opinion that those who have undergone this punishment, *must* pass into society again morally unhealthy and diseased. There are many instances on record, of men who have chosen, or have been condemned, to lives of perfect solitude, but I scarcely remember one, even among sages of strong and vigorous intellect, where its effect has not become apparent, in some disordered train of thought, or some gloomy hallucination. What monstrous phantoms, bred of despondency and doubt, and born and reared in solitude, have stalked upon the earth, making creation ugly, and darkening the face of Heaven!

No portion of the "American Notes" aroused more wrath than this attack by Dickens upon Philadelphia's cherished institution. The Inspectors of the Western Penitentiary, in their report for 1843, referred scornfully to the great author as an "itinerant book-maker"; and the Inspectors of the Eastern Penitentiary, after taking a year longer to get their breath, reported that "they feel it a duty again to offer the convictions of their judgment, in favour of the superior benefits and advantages which result from the practical operations of the Pennsylvanian system of prison

discipline; all the bearings of this system upon the prisoner are incontrovertibly beneficial."

Elaborate refutations were made of Dickens' facts and conclusions, but in vain. Whatever trifling errors of detail he may have made, Dickens was fundamentally right, as we now know; his broad and sympathetic interest in humanity had given him an insight denied to the worthy and respectable gentlemen who served on the Board of Inspectors, to whom it doubtless seemed little short of sacrilege to have their peace of mind disturbed, by questioning the excellence of the institution they served so conscientiously. "We know by the light of modern experience," writes Major Griffiths, "that solitary imprisonment prolonged beyond certain limits is impossible except at a terrible cost. The price is that the prison becomes the antechamber to the madhouse, or leads even to the tomb. It has taken years to establish this now incontrovertible conclusion, but it is now so distinctly known that argument seems superfluous."

Yes, it does seem superfluous; and my only excuse for dwelling so long upon this part of our subject is that *solitary confinement still persists.* In my own State there are prisoners who have been rotting, day and night, in their isolated cells for months and years; and no man knows how many there are in the country at large. Visiting one of the chief cities of Pennsylvania

not many months ago, I was taken to see the county jail, and there I found men with sentences as long as a year, (one with a five year "bit"), shut in their solitary cells without work, and showing the same attitude of hopelessness — the same evidences of mental, moral and physical deterioration as Dickens saw in 1842 and Captain Hall in 1827.

How long, oh Lord, how long! — before society appreciates the dangers which such conditions breed.

Opposed to the system of absolute solitary confinement there grew up a new system which came to be known as the Auburn System. It meant congregate work in shop, field or quarry; silence at all times; and solitary confinement when not at work. This was the new system which so favorably impressed Captain Hall when, soon after his arrival in this country, he visited "Mount Pleasant Prison at Sing Sing," then partially completed to replace the old prison in New York City, situated in Greenwich village.

On Wednesday the 30th of May [he writes] we visited the Penitentiary, or State Prison, at a place called Sing Sing, on the left or east bank of the Hudson River, at a distance of thirty miles from New York.

I have yet seen nothing in any part of the world in the way of prisons, which appeared to be better managed than this establishment. It is no easy task to bring people who are well disposed under the influence of strict discipline;

but when the parties to be wrought upon are wicked and turbulent by nature, and altogether unaccustomed to restraint, the difficulty is considerably augmented. This problem, however, has been, I think, pretty nearly solved in America.

I had been told, in a general way, that several hundred convicts were employed at this spot, in the construction of a prison in which they themselves were eventually to be confined; but I could scarcely credit the accounts which described the degree of order and subordination maintained among a set of the most hardened ruffians anywhere to be found. Accordingly, although prepared in some degree, my astonishment was great when I approached the spot, and saw only two sentinels pacing along the height, from whence I looked down upon two hundred convicts at work. Some of these were labouring in a large marble quarry, others in long wooden sheds surrounding the spot, and some were engaged at various parts of the new prison, an extensive stone building running parallel to the river, about one-third of which had been finished and made habitable.

Captain Lynds, the superintendent, for whom we had brought a letter, joined us on the edge of the cliff, and begged us to walk down, that we might see what was going on, and judge, by personal inspection, whether or not the accounts we had heard were exaggerated.

There was an air of confident authority about all the arrangements of this place, which gave us a feeling of perfect security, though we were walking about unarmed amongst cutthroats and villains of all sorts. There was something extremely imposing in the profound silence with which every part of the work of these people was performed. During several hours that we continued amongst them, we did not hear even a whisper, nor could we detect in a single instance an exchange of looks amongst the convicts, or what was still more curious, a sidelong glance at the strangers.

Silence in fact is the essential, or I may call it the vital principle of this singular discipline. When to this are added unceasing labour during certain appointed hours, rigorous seclusion during the rest of the day, and absolute solitude all night, there appears to be formed one of the most efficacious combinations of moral machinery that has ever perhaps been seen in action.

The good Captain then goes on to describe in detail the daily routine — including the silent work in the shops; each shop being "under the charge of a turnkey," who is also foreman. We learn this interesting fact about the watchman at night: "His feet being shod with moccasins, his tread is not heard, while he himself can hear the faintest attempt at communication made by one prisoner to another."

In this way [continues the Captain] the convicts are compelled to pass the night in solitude and silence; and I do not remember in my life to have met before with anything so peculiarly solemn as the death-like silence which reigned, even at noon-day, in one of these prisons, though I knew that many hundreds of people were close to me. At night the degree of silence was really oppressive; and like many other parts of this curious establishment must be witnessed in person to be duly understood.

Captain Lynds, the Warden of Sing Sing, according to our traveller

universally admitted to have the greatest share of the merit which belongs to the first practical application of this system, is decidedly of opinion that it is not and never can be complete, unless there be a clergyman

permanently attached to the establishment, whose exclusive duty shall be to attend to the prisoners. Indeed he told me himself, that he had originally taken the opposite line, from a belief that this division of authority with a spiritual superintendent, if I may use such a term, would interfere with the ordinary discipline; but that he now considered this alliance of primary consequence. This question is one of great moment.

After this glowing eulogy of Sing Sing and its first warden, it is a little discouraging to be told that in spite of the advent of the new chaplain:

It will not be supposed, nor is it pretended by the friends of this plan, that its effects are in every case beneficial, and that all, or any great number of the convicts, are to be reformed.

(It may also be interesting to note, in passing, that Captain Lynds, the first Warden of Sing Sing prison, who according to Captain Hall was "universally admitted to have the greatest share of the merit" for putting the new system into practical operation, had charges brought against him, was investigated by a committee of the Legislature and resigned. I wonder does his ghost ever revisit the scenes of his earthly labors; and if so how he feels about the experiences of his successors. But this is a somewhat frivolous digression.)

After his visit to Philadelphia Captain Hall apparently felt a little more hopeful as to the reforming power of the Auburn plan.

Although, under the very best conducted system of prison discipline, it seems more than doubtful whether any material reformation can ever take place amongst old culprits, it is, undoubtedly, our duty to give them the best chance of amending their lives. No method that has ever been hit upon, as far as I know, comes nearer to the accomplishment of this point than the Auburn plan, so often alluded to; while that of Philadelphia steers wide of the mark, by leaving out several elements apparently essential to reformation.

Before taking leave of Captain Hall it may be of interest to you what he has to say about his visit to your State institution at Wethersfield:

The prison, or penitentiary, is upon the Auburn plan already described, where the separation of the convicts at night is complete — hard labour and silence are rigorously enforced throughout the day — solitary meals in the cells — and where all social intercourse amongst the prisoners is effectually interdicted; no intercourse, indeed, of any kind being allowed, excepting only that salutary communication which every one of them who desires it is at liberty to hold with the resident clergyman, on Sundays. This excellent establishment had been only three months in operation when we saw it; but such appears to be the simplicity of all parts of the system, that everything had fallen into its place with the precision of habitual order, just as happens with the machinery of military or naval discipline.

With such differences of detail as would be natural under differing conditions of time or place, the Auburn system is in force today in most prisons in the United States as well as in many foreign countries. It is still a system of

solitary confinement at night and congregate work by day, combined with silence at all times. The difference between the Auburn and the Philadelphia systems to a sympathetic outsider seems at first sight much like a choice between the frying-pan and the fire. The good Quakers of the City of Brotherly Love thought that the way to reform men was to force them to *think right;* and they proposed to do this by means of a Bible in a solitary cell. It showed a touching faith in human nature, although precious little knowledge of it. The Auburn system was based on the theory that the way to reform men was to force them to *act right;* and it was proposed to do this by removing not only all possible temptations to go wrong, but to make the path of duty a narrow one carefully walled in on both sides. The idea was that right action will become a habit, if it is enforced for a sufficient length of time; that a man made to behave properly when he is not master of his actions will continue to behave properly after he regains his freedom. The same people would never have expected a squirrel, let loose from his cage, to seek a wheel to exercise in instead of chasing around a tree; they would never have expected a horse, turned out in a pasture, to seek a cart to pull about for exercise, instead of kicking up his heels and racing, harness-free, around the lot. Yet they expected enforced virtue, after being made as

deadly, stupid, offensive, and irritating as possible, to commend itself to living and active men. Again was shown a touching faith in human nature, although precious little knowledge of it.

Under the Auburn plan the labor of the prisoners is sometimes carried on under the so-called contract system, where the convicts are farmed out to a contractor who pays so much per man to the state and directs their work subject to the discipline of the prison officials; and sometimes the state itself works the prisoners, the end in view being industrial profits or the education of the convicts. There is at least one prison in the country managing its own industrial system, which covers expenses; but as a rule, the cost of the prisons is a heavy burden upon the taxpayer. So that not only do those institutions fail in their object — the reformation of the inmates, but we actually pay out vast sums in taxes in support of the continuance and spread of crime.

For nearly a century the Auburn system has held sway, — with sporadic fits of reform in the shape of amelioration of the more brutal forms of punishment. Some states of late years, for instance, have abolished the lock-step, the shaved heads, and the zebra clothing — those hideous signs of degradation which were thought advisable not only to mark the convict in case of escape, but as valuable aids in breaking the spirit of the prisoners.

The practical workings of a prison under this old system I will describe to you somewhat in detail; first, however, mentioning briefly two attempts at reform which have been made in the interest of youthful offenders.

Said Governor DeWitt Clinton in opening the New York Legislature in 1826:

> The best penitentiary institution which has ever been devised by the wit, and established by the beneficence, of man, is, in all probability, the House of Refuge in the city of New York, for the reformation of juvenile delinquents; it takes cognizance of vice in its embryo state, and redeems from ruin, and sends forth for usefulness, those depraved and unfortunate youth, who are sometimes in a derelict state, sometimes without subsistence, and at all times without friends to guide them in the paths of virtue.

In its report for 1827 the Prison Discipline Society estimated that in the state prisons of Maine, New Hampshire, Vermont, New York and Virginia, one-seventh of the inmates were under 21 years of age, while many were under 12. The report states that "the loathsome skin, the distorted features, the unnatural eyes of some of these boys, indicate, with a clearness not to be misapprehended, the existence of unutterable abominations, which it were better for the world, if they had been foreseen and avoided." Such abominations led to the estab-

blishment of the juvenile institution about which Governor Clinton discoursed so grandiloquently.

Similar institutions arose in other states; and no question can be raised as to their desirability. The pity is that it should have been felt necessary to turn these institutions into minor prisons — where we find the same system of confinement, severity, strict obedience to autocratic authority, brutal punishments, lack of responsibility and total denial of all initiative; the same system that has been tried and has failed in the older prisons. The growing child needs freedom of development quite as much or even more than the grown man. The belief that a temporary and perfunctory acquiescence in outward acts of virtue will, somehow or other, make virtue strike in and become a confirmed habit, has been held even more persistently and pathetically for children than it has for adults; and with even more tragic consequences. That these children's institutions have done much good should not be questioned; that they have failed lamentably with some of the best material placed in their hands I believe to be susceptible of proof. Go into any prison and get acquainted with the men; — really acquainted, I mean, — with the real men, — not merely familiar with the details of prison routine, like a respectable commissioner or inspector, and you will be horrified by what you learn there of the methods and results of the juvenile institutions.

A friend of mine, one of the trustees of a reformatory in a neighboring state, once visited Auburn prison. We stood chatting in the chapel with the Sergeant at Arms and the nine members of the executive committee of the Mutual Welfare League — men chosen by their fellow-prisoners to run the machinery of their organization. The talk turned upon the subject of the number of men in prison who as boys had been committed to juvenile institutions. "Let us make a test," said I; "Billy," — turning to the man on my left, — "were you ever at either the Juvenile Asylum or the Catholic Protectory?"

"Sure," was Billy's prompt reply.

"How about you, John?"

"Yes." And so on around; 6 out of the 10 had been inmates of one or the other institution.

While we were talking entered Tony, the barber, who walked up to the group. "Tony," said I, without any preliminary, "were you ever at the Catholic Protectory or Juvenile Asylum?"

Tony hesitated and I saw him catch sight of the stranger out of the corner of his eye. With that impassive exterior so characteristic of the convict under the old system, Tony said quietly, "No, Mr. Osborne."

Then John stepped forward; and, pointing an accusing finger at Tony, said, "Tell the truth, Tony. We've all been tellin' the truth. Wasn't you at the Protectory?"

Tony glanced again at the stranger, then at me; caught the smile on my lips, and said sweetly, "Yes, Mr. Osborne."

That little episode was characteristic, in more ways than one: of the difficulty of getting the truth from convicts under the old system, of their frankness under the new system, of the large number of graduates of the children's institutions who find their way into state prisons — 7 out of 11 in that chance group. These men assured us that the percentage in the prison at large would be still greater. Unfortunately no accurate statistics in regard to the matter are attainable; but from the best figures I have been able to procure, 60 per cent is a low estimate of the number of men in prison who have prepared for their criminal career by a stay in some juvenile institution.

In the latter part of the nineteenth century the effort to segregate youthful offenders went still further; and reformatories for young men from 18 to 30 years of age, like those of Elmira, N. Y., and Concord, Mass., were established. These institutions, as their name would imply, aimed to lay more emphasis upon the third object of prison punishment than did the regular prisons, while at the same time the other two objects were not omitted; the hope being that with education, military drill, and organized industry, added to

strict confinement, every requirement would be satisfied; and retaliation, deterrence and reformation would all dwell happily together. To the superficial visitor the problem seemed at first to be really solved. One saw at the head of the institution a devoted, sometimes a brilliant, penologist; strict and soldierly officers and effective uniforms on guards and inmates; cleanliness, order, discipline, industry; advances in technical and theoretical education. In fact, such reformatories have been deficient in only one thing — reform. Many of the most promising lads who went into them would never accept the system. Large numbers of them, after their enforced sojourn, have relapsed into crime and ultimately have found their way into the state prisons.

Where the reformatory system has failed, it has been, like so many previous efforts at prison reform, a failure neither of good intentions nor of logic. No matter how perfect your logic, if your premises are false, the conclusions drawn from them will be false as well.

No system for the punishment of criminals which leaves wholly out of consideration that the beings who are to be punished are human will ever be successful; and this is precisely where the reformatory system has come to grief. You cannot treat men in terms of machinery or logs of wood; nor can you appeal to them with success if you force them against their will

— not even if your aim is their highest intellectual or physical development.

To understand fully how stupid, callous and brutal men can become in carrying out a foolish system, — a system which nevertheless once had its origin in the efforts of conscientious reformers, it may be well to turn to two or three cases of well authenticated cruelty. It is only so that we can realize what the old prison system was capable of developing.

In 1854 a Royal Commission published its report on Birmingham prison. In Charles Reade's powerful novel, "It is Never Too Late To Mend," an accurate and truthful account is given of this literal hell on earth, where the treadmill and the crank formed the day's work and where the prisoners were treated with so hideous a cruelty that the only charitable conclusion one can form is that the governor of the prison was himself a maniac. Here it was that a fifteen-year old boy named Edward Andrews, (the young "Josephs" of Reade's tale),

> A quiet, neglected, inoffensive creature, [writes Ives in his History of Penal Methods,] who had stolen a piece of meat and was in for three months — was put on a "5-lb. crank," which is said to have been equal in resistance to one of 20 lbs., and because he could never do the impossible task, he was starved and jacketed, and put in a black cell and punished till the miserable boy broke down and hanged himself in his lonely cell and was found dead.

This seems to have been only one of numberless cases of cruelty; but it somehow was made public. The city of Birmingham became aroused; and a government commission was sent to investigate. The examination revealed some of the horrors which had been going on; the head of the prison was himself condemned to three months imprisonment, (he apparently deserved a life sentence, at least); and Reade turned the report of the Commission into a blazing indictment of the prison system, in the effective form of a novel.

As a result of the Royal Commission's report there came about in England better administration of the prisons, kindlier treatment of the convicts, a healthier regulation of diet; some antiquated brutalities were obliterated; although new ones took their place; for at bottom the system remained the same. Listen to this account, by Marcus Clarke in "Stories of Australia," of a visit to the penal settlement of Port Arthur in 1870:

"The prisoners seemed all alike in feature." (Let me interrupt the quotation to say that it is still the custom in English prisons to forbid convicts the use of razors, so that with hair and beards clipped an equal length every man looks as much as possible like every other — and all like apes.) "I know that a general scowl of depression seemed to be in the fellows' faces, and

that the noise of the irons made my unaccustomed ears tingle. I know that I thought to myself that I should go mad were I condemned to such a life."

Mr. Clarke visited the insane ward: "The criminal lunatics were of but two descriptions: they cowered and crawled like whipped foxhounds to the feet of their keepers, or they raged, howling blasphemies and hideous imprecations upon their gaolers." The worst man, according to the authorities, was a certain Mooney, who had become "a raging, desperate convict; he had been flogged, he had been in a mutiny, he had been a bush-ranger, and a whole list of things." Mr. Clarke desired to see him.

> The warder drew aside a peep-hole in the barred door, and I saw a grizzled, gaunt, and half-naked old man coiled up in a corner. The peculiar wild-beast smell which belongs to some forms of furious madness exhaled from the cell. The gibbering animal within turned and his malignant eyes met mine. "Take care" said the gaoler; "he has a habit of sticking his finger through the peep-hole to try and poke someone's eyes out." I drew back, and a nail-bitten, hairy finger like the toe of an ape was thrust with rapid and simian neatness through the aperture. "This is how he amuses himself," said the good warder, forcing-to the iron slot; "he had best be dead, I'm thinking."

This poor creature had been transported at the age of 13 for the crime of stealing a rabbit!

And this was as late as the year 1870 of the Christian era!

But we need not go so far afield as England or Australia, nor back to 1854 or 1870 for prison cruelties. Read Donald Lowrie's "My Life in Prison" and see what horrors were occurring in St. Quentin prison up to within a few years. It is less than three years ago in New York state prisons that men sent to the coolers were given but one gill of water in 24 hours. Within the last seven years, a convict was shut in a dark cell at Clinton prison for a year and eight months; and died in March, 1915, of the tuberculosis contracted from sleeping through the winters on the cold stone floor without bed or blankets.

So long as the old prison system is allowed to continue, just so long will successive generations be shocked by disclosures of the hideous brutalities occurring behind prison walls.

We come now to a more detailed consideration of what the old prison system, — the system which dominates most of our penal institutions, is really like. Perhaps I may be pardoned if I give this to you in terms of my own experience; for I do not think I can make you better realize what is a prisoner's life under the old system than by giving you a brief description of my week spent as a volunteer convict in Auburn prison.

In the summer of 1913, after being appointed by the Governor of New York on a Commission on Prison Reform and made its chairman, I came to the conclusion that if I wished to learn all that was possible of my subject, I must get down to its foundation and find out what the life of a prisoner was really like. Of course, I was not foolish enough to believe that I could experience all the feelings of a real convict; — I may add that I had no wish to; — but I thought that I should know much more about prison life, and of the effect of imprisonment upon the individual, if I spent a week actually in confinement undergoing the convict's routine, than I should ever know by merely looking at the matter from the outside. So with the permission of my friend, Warden Charles F. Rattigan of Auburn prison, I determined to try the experiment. Let me add that I had no sentimentalism about the prisoners, no exaggerated notions as to the results of my experiment; I simply wanted to get at the truth, so far as I could.

It was my purpose to avoid all publicity, if possible; and to this end I originally intended to enter the prison incognito, without the knowledge of any one but the Warden; — thus keeping the episode entirely out of the newspapers. The Warden advised me against this plan, believing that there was too much danger of detection, in which case my object would be defeated by the

suspicion that would be engendered among the prisoners. A conclusive argument against it was advanced by a prisoner to whom I confided my plan and who approved of it, all except the disguise. "You'll learn a lot," he said; "and if you could give two months to it, I'd say come in disguise — for then you'd get the thing exactly as it is; but it would take you that long to get into the game. You know we're awful suspicious," he added, "and we don't open up to any new fellow until we know he's on the level."

Deeming that so long as I was to do the thing in the open it would be well to tell the prisoners just what I proposed to do and why I proposed to do it, I spoke to them after chapel one Sunday, the day before I intended to begin my term of service. It was well I did this, for it put the whole affair on the simplest and most open footing with both prisoners and officers. It gave me a chance to request the guards, in the presence of the prisoners, to show me no special favors or consideration of any kind; — a request which was backed up by the positive instructions of the Warden to treat me exactly like an ordinary newcomer; and this order was carried out to the letter.

With this preface let me give you a brief sketch of prison life as I found it.

On Monday morning, September 29th, I presented myself at the prison gate, and being ad-

mitted went directly to the front office. There, after my criminal record had been duly taken and I had been registered as Thomas Brown and given the number 33,333x, I was handed over to an officer, in whose charge I passed through the back office. An iron door was opened, we descended an iron stairway, and the heavy portal banged shut and was locked behind us with a sound I shall never forget.

First to the tailor shop, where I was bathed by a negro convict, and my clothes and other belongings removed. I was then dressed in full prison uniform; — losing my identity so completely that intimate friends failed to recognize me when they subsequently visited the prison for the pleasure of seeing me "doing my bit." This loss of individuality is a symbol of the system; the effort to reduce all men to an even level — the level of the lowest and worst.

Next, always escorted by the armed guard, I was taken to the P. K. (Principal Keeper); where I received some mild instruction in the rules of the prison, was assigned to work in the basket shop, and had my criminal record taken for a second time. Then to the Chaplain; where I was greeted pleasantly, given a Bible and had my record taken a third time. Then to the Doctor, where I had a very thorough physical examination and had my record taken for a fourth time. Then to the Bertillon clerk, where

I was fully measured and photographed and had my record taken for a fifth time.

With my complete prison baggage, — a towel, a cake of soap and a Bible, I was conducted to my cell. This I found to be in the oldest part of the prison, No. 15, Second Tier — north side of the North Wing. My first feelings upon being shut into this stone cage with its iron grated door I described in my journal kept at the time as follows:

I am a prisoner, locked, double-locked. By no human possibility, by no act of my own, can I throw open the iron grating which shuts me from the world into this small stone vault. I am a voluntary prisoner, it is true; nevertheless even a voluntary prisoner can't unlock the door of his cell — that must be done by some one from outside. I am perfectly conscious of a horrible feeling of constraint — of confinement. It recalls an agonized moment of my childhood when I accidentally locked myself into a closet.

My cell is exactly four feet wide by seven and a half feet long, measuring by my own feet, and about seven feet high. The iron bed is hooked to the wall and folds up against it; the mattress and blankets hang over it. The entire furniture consists of one stool, a shelf or table which drops down against the wall when not held up by hooks, an iron basin filled with water for washing purposes, a covered iron bucket for other purposes, a tin cup for drinking water, . . . and an old broom which stands in the corner. A small wooden locker with three shelves is fastened up in the farther left-hand corner. The pillow hangs in the opposite right-hand corner over the edge of the bed.

This is a cell in one of the oldest parts of the prison. It has a concrete floor and plastered walls and ceiling, and

looks clean. . . . The electric bulb hangs from a hook in the center of the arched ceiling and my head nearly touches it.

In my cell I was visited shortly before noon by an officer, who informed me that he was captain of my company and in charge of the basket shop. He gave me further instructions as to my conduct in the shop, mess-hall, etc.; to all of which I listened with interest and respectful attention.

When the hour of noon arrived I began to hear the clicking of levers, the banging of doors and the tread of countless feet upon the stone pavement below and the wooden galleries above. It was a curious effect — so much noise, yet no sound of a human voice; for the system of silence was rigidly insisted upon. Soon I heard the clicking of levers and the flinging open of iron doors along my gallery; and the officer passed in front of the cell, pressing down the lever. I pushed the heavy door open and followed along the gallery and down an iron stair to the stone-paved corridor below. Here I was placed toward the end of the line; being a newcomer with my marching abilities not yet determined. After standing awhile with folded arms, the line of silent, gray-clothed figures began to move, the signal being a rap of the steel-shod club of the guard upon the stone floor. With our right hands placed on our left breasts, partly by way of salute, but chiefly to be sure that our right

arms meant no mischief, the long line swung into the large mess-hall; and we took our places at the narrow shelves which served as tables, everyone facing in the same direction, so that each man could see only the backs of the heads of the men sitting at the shelves in front of us.

Fourteen hundred men sitting at dinner — and no sound of the human voice; — it is a ghastly thing. I had no appetite; and so spent the few minutes allotted for dinner in studying the backs of the men in front, the profiles of the men along the line; and I even ventured to turn my head to some of those at the tables behind us. As soon as we had returned to the cells, the Captain was at my door. "Brown, I noticed you turning around at dinner; that is not allowed. I will let it pass this time; but don't let it happen again. The rule is always, 'Eyes front.'" I thanked him; and did not further offend; — at least, not when an officer was looking.

In the afternoon I marched with my company down to the basket shop and found that I was fortunate enough to have been assigned to the only shop in the prison where conversation was permitted — to a very limited extent. The Captain informed me that I could talk on three conditions: I might not leave my place of work; I should not talk loud enough to attract his attention; and if any other officer or a visitor came into the shop, I was to "shut up at once."

The reason for his leniency, the officer explained to me: — "My men have the reputation of being a little hard to manage, and I find I get along better if I give them some leeway."

Under this important modification of the rules, it was possible to enter into immediate friendly relations with several of my fellow-prisoners. Not unnaturally they were glad to make acquaintance with a somewhat unusual new arrival from the outside world; and I was most anxious to make their acquaintance, if only to exercise and hear my own voice; for I soon began to feel that, if I was not able to talk to some one, I should explode.

Prison friendships ripen rapidly. Before three days were over I was on intimate terms with several of my shopmates; and some of the friendships there made have proved to be among the most treasured and valuable of my life. They were not all made easily, however. With the exception of my working partner and the convict instructor in basket-making, there was no one who was permitted to speak to me. But just at my right hand stood a post — with a number of wooden lockers nailed to it; and this formed a most convenient screen for those who wished to become acquainted. If I was careful not to turn my head, the screw (officer) could not tell that I was not talking to my partner. And thus I learned the first duty and only pleasure of

the convict — to deceive a keeper and get away with it.

By half-past three o'clock work was practically over for the day, and we leisurely washed up, walked back and forth in the very narrow limits allowed between posts, or read the contraband newspapers which were passed along from one to another. Then when the bell rang we were lined up, counted, and under the watchful eye of the officer marched to the racks where the iron buckets, which hold the sewage of the cells, had been drying during the day; and so on up the yard to the cell-block. At the entrance stood a couple of prisoners with large trays of bread, of which we grabbed as many slices as we liked, and then hurried along the gallery to our cells. Arrived there we were counted and securely locked in for the night.

That first night in prison! Its horror is dwelt upon by every prisoner who talks freely to you. An amateur convict could by no means sound its full depths; but here are a few passages of my journal describing my sensations at the time:

Later in the day, about 5:30, I think; I have no watch and nowhere does there seem to be a clock in sight, so I am necessarily rather vague as to the exact time.

I am again double locked in my cell, this time for the night — fourteen mortal hours!

For me there is plenty to do — to write, to read, to think about; but how about those who do not care for

reading, who write with difficulty, or who can neither read nor write? Then again, I look forward to only six nights in this stone vault; but how about those who must look forward to an endless series of nights, month after month, year after year, five, ten, fifteen, twenty years, life?

How do they ever stand it?

Until nine o'clock, when the lights will go out, I am my own master; my own master in a world of four feet by seven and a half, in which I am the only inhabitant. Other human beings are living all about — on either side, at the back, above, below; yet separated by double thick stone walls from every other living creature in this great community, I am absolutely solitary. I have never felt so curiously, desperately lonely. The loneliness in the midst of crowds is proverbial; but the loneliness in the midst of a crowd of invisible human beings — not one of whom do you even hear — that has in it an element of heavily weighted horror which is quite indescribable. It can only be felt.

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I begin to have that feeling of lonesome desolation I have already attempted to describe. There are some noises; but they are the noises of tramping feet above, below, of clanging bars and grating locks, then of stealthy footfalls and distant doors. Of the many companions who are living all about me I can see no sight — hear no sound. If my cell were big enough, I should walk round and round as I have seen the caged animals do in menageries. As it is, if I get up from writing, I can only hang at my grated door, looking aimlessly out. It grows dark and ever darker in the corridor outside; there are few sounds now. Inside my cell the electric bulb gives barely light enough to read by. It is horribly lonesome.

The next morning I recorded my experiences of the night:

The first night is over. They all say it is the worst. It could hardly be called a success — considered as a period of rest and refreshment; at least it did not "knit up the raveled sleeve of care" to any very great extent. At nine o'clock the lights at last went out. I was already in bed and waiting, but I was not at all prepared for the shock I received. While there is light in the cell, the bars of the door look gray against the darkness outside — and that is bad enough; but when the lights go out, there is just enough brightness from the corridor below to change the door into a grating of most terrible, unearthly blackness. The bars are so black that they seem to close in upon you — to come nearer and nearer, until they press upon your very forehead. It is of no use to shut your eyes, for you know they are still there; you can feel the blackness of those iron bars across your closed eyelids; they seem to sear themselves into your very soul. It is the most terrible sensation I ever experienced. I understand now the prison pallor; I understand the sensitiveness of this prison audience; I understand the high nervous tension which makes anything possible. How does any man remain sane, I wonder, caged in this stone grave day after day, night after night?

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However, just before ten o'clock I did manage to lose consciousness; I recall the time by the sounds of the nine-fifty New York Central train. Even in the midst of my discomfort I had to smile at the plight of one who has to tell time by trains on the Auburn branch of the New York Central. I do not know how much I slept through the night, but I was greatly disturbed by the frequent and pathetic coughing, sighing, and groaning from other cells. It was only too evident that many others were sleeping no better than I. Possibly the delicate attentions of the night keeper, going his rounds and flashing his electric bull's-

eye through the bars straight in our faces, may have had something to do with it. Certainly that custom is hardly conducive to unbroken slumbers. Apparently, it is considered necessary to do this in order to prevent suicides. One poor fellow had tried to make away with himself on the previous night; such attempts are not uncommon, I am told.

What a commentary!

As I had not yet quite reached the point of self-destruction, the flashlight was distinctly annoying; it seemed always to come just after I had succeeded in dropping off to sleep.

And ever, as I started awake again, the blackness of those horrible bars against the faintly lighted corridor!

After the long and restless night the regular day's routine begins. Rising bell, — (and no man may rise any sooner); then dressing; then the iron-grated door is unlocked and the lever pushed down; each man shoves open his door and, joining the hurrying members of his company carrying their heavy iron buckets, traverses the long gallery and stands at the doorway.

Every man of the 1400 (except those ill in the hospital) must empty his bucket daily in the sewer house. The march in the early morning is far from unpleasant — except for the bucket; but that is left behind on the racks to be dried and — possibly — disinfected. The march back is pleasant exercise. Returned to our cells, we sweep and clean house for the day; and then to breakfast.

After breakfast, the shops; after shop-work, dinner; after dinner, the shops; after shop-work, the cell-block. Such is the dull, uneventful routine of the prison, day after day, week after week, month after month, year after year. Is it any wonder men go mad? What in Heaven's name can be expected of live human beings subjected to such torturing monotony? It would be terrible enough if they could talk; but carried on in dreary silence —!

Day after day, for the rest of the week, I carried my bucket to the sewer; ate my dreary breakfast and dreary dinner in the noisy but speechless mess-hall; did my day's work in the basket shop; marched back with my bucket to the cell-block; had my lonely supper of bread and water in my cell; and somehow managed to get through the long, long, dreary evenings and the dark, terrible nights.

Heavens! What a life!

For me, as the experience was new, there was a certain interest even in the routine; and some breaks in the gray dreariness of the days. To enumerate them does not seem very exciting to me, now; but they were so at the time. On Tuesday morning my partner, Jack Murphy, and I were among ten men of the basket shop sent out to help haul up a car of coal. In the afternoon a party of newspaper men was shown through the

prison; and they failed to recognize me as they passed through the basket shop. On Wednesday morning we had a visit from the P. K., and Jack Murphy had a shave; in the afternoon I was examined by the "Professor" to test my scholastic attainments, and the company had its weekly bath, in which I participated; also another party of sightseers visited the shop and failed to recognize me. In the evening there was a small riot on the other side of the cell-block, when a wretched, sick young fellow was taken down to the "cooler" and unmercifully beaten on the way, while the men yelled from their cells at the guards' brutality. On Thursday, Jack and I helped to haul up a car of lumber; in the afternoon I discussed prison reform with my partner. On Friday I was ill, — I had been incautious enough at breakfast to swallow some of the stuff which the authorities called coffee and the prisoners called "boot-leg"; but I stuck to my work in the shop, had a little nap after dinner, and during the afternoon had another long discussion with Murphy about prison conditions and prison reform. Such were the thrilling events up to Saturday morning.

By that time I had come to have a curious feeling, like that which pervades the end of a sea voyage. Your world has become so circumscribed that you almost forget that your voyage ever had a beginning or that you ever expected

it to end. In the same way even my gray prison suit had come to seem so natural that I almost felt as if any other clothes would be strange. This may sound exaggerated; but it really only serves to show how soon one can become used to the most unnatural sort of life. A man can get so accustomed to a ball and chain that he is unable to walk comfortably without one.

When I entered the prison, I had it in mind that I might wish before I left to test the punishment cells; and every day's experience made me the more anxious to do so. By Saturday I had made up my mind. I could not feel that I had learned everything possible of prison life without an experience of punishment. I wanted to see what it was that caused that curious expression on the face of every man who spoke of the dark cells; a sort of vague shadow that came into the eyes — a sort of frozen tightness about the lips, as of a recollection of nameless horror that baffled description, but left behind an ineffaceable mark.

It is a very easy matter to get sent to the "cooler" or "jail," as the punishment cells in Auburn are called. Reprimanded by the officer in charge of my workshop for going to the sink without permission, although I thought I had seen him nod in answer to my upraised hand, I announced my intention of doing no further work. There was nothing for him to do but

summon the guard who took me before the P. K.; and he after a very brief examination ordered me to the cooler. A large key opened a solid iron door in the wall; the officer in charge of me led the way along the corridor leading to the execution chamber. Just before we reached the door to that terrible place, another iron door to the right was opened and we entered the jail. This is what I wrote soon after my experience:

The jail at Auburn is at present the place where all offenders against prison discipline are sent for punishment.

Whether the offence is whispering in the shop or a murderous assault upon an inmate or a keeper, the punishment is exactly the same — varying only in length. So far as I can learn, there is no specific term for any offence; so that when a man goes to the jail, he never knows how long he may be kept there. The official view, as I understand it, is that no matter what the cause for which the man is sent to the jail, he had better stay there until his "spirit is broken."

The jail is admirably situated for the purpose of performing the operation of breaking a man's spirit; for it has on one side the death chamber, and on the other the prison dynamo with its ceaseless grinding, night and day. It is a vaulted stone dungeon about fifty feet long and twenty wide. It is absolutely bare except for one wooden bench along the north end, a locker where the jail clothes are kept, and eight cells arranged in a row along the east wall and backing on the wall of the death chamber. The eight cells are of solid sheet iron; floor, sides, back and roof. They are studded with rivets, projecting about a quarter of an inch. At the time that Warden Rattigan came into office there was no other floor; the inmates slept on the

bare iron — and the rivets! The cells are about four and a half feet wide, eight feet deep and nine feet high. There is a feeble attempt at ventilation — a small hole in the roof of the cell; which hole communicates with an iron pipe. Where the pipe goes is of no consequence, for it does not ventilate. Practically there is no air in the cell except what percolates in through the extra heavily grated door.

In the vaulted room outside there are two windows, one at either end, north and south. But so little light comes through these windows that except at midday on a bright, sunny day, if you wish to see the inside of the cells after the doors are opened, you must use the electric light. There are two of these and each is fastened to a long cord, so that it can be carried to the farthest of the eight cells. At the south end of the room is a toilet seat, and a sink with running water where the supply for the prisoners is drawn. Up to the time of Superintendent Riley's and Warden Rattigan's coming into office, the supply of water for each prisoner was limited to ONE GILL FOR TWENTY-FOUR HOURS!

The sink was not used for the prisoners to wash, for the simple reason that the prisoners in the jail were *not allowed to wash.*

Without going into too great detail I despair of giving a very accurate idea of the dark cells and their effect upon those confined there. I had never imagined anything so terrible; and yet it is difficult, if not impossible, to describe to anyone else exactly why they are so. I endured no very great discomfort myself, — although a bare floor does not make a very comfortable bed, when you are unused to sleeping in that fashion; yet at the end of only 14 hours confinement I came out feverish, nervous, completely unstrung.

Here is the summing-up in my journal of the various items which united to produce that result:

An aching, overwhelming sense of the hideous cruelty of the whole barbaric, brutal business sweeps over me; the feeling of moral, physical and mental outrage; the monumental imbecility of it all; the horrible darkness; the cruel iron wall of the death-chamber at our backs; the nerve-wracking monotone of the whirring dynamo through the other wall; the filth; the vermin; the bad air; the insufficient food; the denial of water; the overpowering, sickening sense of accumulated misery — of madness and suicide, haunting the place. . . .

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Suddenly there wells up within me a feeling which is no longer rage, it is a great resistless wave of sympathy for those poor fellows in that Hell I have just left; for those who have ever been there; for those in danger of going there; for all the inmates of this great city within the walls — this great community ruled by hate — where wickedness is the expected thing — where love is forbidden and cast out.

It is impossible, I believe, for one who has not undergone such an experience to comprehend the feelings of a man subjected to the torture of confinement in a dark cell on an insufficient supply of bread and water. Such punishments are often inflicted for protecting a friend, — from a sense of loyalty, mistaken perhaps, but nevertheless rooted in the finer instincts; loyalty which has run counter to some rule so utterly senseless as to

arouse nothing but contempt for anyone who undertakes to enforce it.

Even when there has been a genuine cause for punishment, nothing, the victim tells himself, can justify such senseless, brutal outrage upon everything sacred in humanity. For nothing whatever can justify the attempt to "break a man's spirit." Such a thing can be done, — has been done many times in our prison torture-chambers, as certain pathetic wrecks of humanity, left over from the old system, can testify. But is it anything else than the most atrocious form of murder? Murder of mind and soul and therefore worse than physical murder.

One who heard the story of the Auburn dark cells and felt a stirring of the social conscience in response has thus described the cry of the prisoner:

OUT OF THE DEPTHS

Today I heard of hideous hours spent
In prison dungeons — those abodes of Hell
Wherein is thrust some child of sin who fell,
Perchance because none cared which way he went!
Locked in with hate, locked out from love, no vent
For any thought but vengeance, for each cell
Nurtures black seeds of bitterness which swell
To poisonous fruits of unjust punishment!

And in the comfort of my room tonight,
This room of many windows and fair walls,
I hear the cry of agony which calls
Up through that dungeon darkness to my light.
O God whose all-forgiving love is free,
Grant me an answer to that agony!

ANNE P. L. FIELD

NOTE. The detailed story of my week in Auburn Prison has been told in my book: "Within Prison Walls"; published by D. Appleton & Co.

IV

THE MUTUAL WELFARE LEAGUE

IN THE last lecture I gave you some account of the life of an inmate of a state prison under the old system, — illustrating it by personal experiences of my own, while "doing time" as a volunteer convict in Auburn prison. During my week of confinement, being treated in every respect as an ordinary inmate, I managed to get a very vivid and comprehensive impression of the prison discipline and something of its effect upon the men who undergo it. As a result, I came out blazing with wrath against every smug and respectable member of society, whose ignorance and indifference were responsible for the brutal and imbecile system I had found in operation; and not the least of the tortures I endured during the night spent in the dark cell of the "cooler," was the feeling that I should be haunted the rest of my life by a sense of shame and guilt for my own share of responsibility.

It was not that the prison was badly managed; on the contrary, the management of Auburn prison has been traditionally efficient. My quarrel was and is with the whole vicious theory

underlying the system, and with those who tolerate it. I can appreciate perfectly how men with a grievance, who do not stop to analyze and understand the situation fully, come out of prison determined to "get even" with society for all the wrongs, humiliations and brutalities they have been made to suffer. And it is not always what society has actively done that forms the grievance; it is sometimes what society has passively failed to do. The extreme bitterness with which prisoners speak of their experiences as young men in the reformatories is only to be explained by their belief that in those institutions they had failed to receive any training which had proved to be of lasting value.

The main counts in the indictment I should draw on behalf of the prisoner against the State of New York, — (and however the prisons in other states may differ in superficial details, all of them, so far as I can learn, rest upon practically the same unsound foundations), would be these:

First: The constant confinement for many hours of the day, and sometimes for even whole days at a time, in small, unhealthy cells, — utterly unfit for human habitation; where physical degeneration is inevitable — and mental and moral degeneration as well. Most of the cells in Auburn measure $7\frac{1}{2}$ feet by $3\frac{1}{2}$, and 7 feet high; — mere

holes in a stone wall. At Sing Sing the cells are 6 inches lower, 6 inches shorter, and 3 inches narrower! In both prisons, — but especially Sing Sing, the dampness is so great that on many days you can scrape the moisture off the walls into the hollow of your hand. Rheumatism and tuberculosis are rife.

Into these dens men have been locked, frequently two in a cell, for fourteen — fifteen — sixteen hours out of the twenty-four; all day Sunday, except a few moments to empty buckets and eat breakfast, and an hour or so for chapel service; and all day long on holidays. When a Sunday and a holiday come together, the prisoners call it a "double-header." It is significant that most fights in prison occur on Monday mornings.

Second: The vice which naturally results from the constant confinement. Under the best possible prison conditions there is bound to be immorality. Wherever there is a community consisting only of men, as in prison, (or in the navy, for that matter), certain unnatural immoral acts are bound to arise, because of the essentially unnatural social conditions. It is inevitable. The only thing the head of such an institution as a prison can do, is to use his utmost endeavor to foster conditions which will reduce such immorality to a minimum; to expect to eradicate the evil altogether is to expect the impossible.

But in addition to the immorality which springs from the very nature of the institution, there is the additional vice which comes from long or constant confinement, from a life of drear monotony, from overwrought nerves. When a man is locked alone or with one other man in a small cell, and is denied all exercise, — has nothing to think of but himself and his grievances — what can be expected?

But unnatural vice is not the only evil that has flourished under the old system. Shut in all day Sunday, the cells close and miserably cold in winter, close and stifling hot in summer, with the stench from hundreds of buckets poisoning the atmosphere, men so craved relief from the intolerable conditions that they turned to the use of drugs.

My first acquaintance with Sing Sing prison began some fifteen or more years ago, when I became interested in the case of a young boy sentenced to prison for 20 years at the age of 13. He had been four years in Sing Sing when I secured a commutation of his sentence; and, placed in the George Junior Republic, he was soon found to be a "dope-fiend." No wonder a convict friend of his had implored me to obtain his release. "Get that boy out, if you can," he had said to me; "he will be ruined, body and soul, if he stays here."

How was it possible for such things to exist under the strictness of the old régime? That

was one of the absurdities of the situation. Take a warden and a handful of officials and guards, poorly paid and the more important of them selected not for their skill in dealing with the prison problem but for political purposes; place them in charge of the cleverest and most daring crooks and sharpers of the underworld; and what will naturally result? The administration of some of our prisons has been a succession of scandals, the worst of which have failed to arouse public attention simply because decent people do not talk nor wish to hear of such things. But it is time that decent people woke up to the truth and realized that they are vitally concerned in the matter.

> The vilest deeds like poison weeds
> Bloom well in prison-air:
> It is only what is good in Man
> That wastes and withers there:
> Pale Anguish keeps the heavy gate,
> And the Warder is Despair.
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> . . . . . .
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> Each narrow cell in which we dwell
> Is a foul and dark latrine,
> And the fetid breath of living Death
> Chokes up each grated screen,
> And all, but Lust, is turned to dust
> In Humanity's machine.

In Sing Sing prison, for five years — from 1910–1914 inclusive, there were but two punishments inflicted for immorality; sure proof that

it ran riot. Not only has vice reigned — practically unchecked, but many of the guards, themselves, have been concerned in the drug and liquor traffic which has been a perfectly well-recognized part of the game. Even where the utmost strictness prevailed, the cleverness of the prisoners would win out. In Auburn prison two years ago, shortly after the formation of the Mutual Welfare League, ten prisoners were rearranging the store-room. They were watched by four officers; and under the very eyes of these careful guardians the prisoners made off with three cases of condensed milk — 120 cans. A search was made through the prison; and in one cell, where 37 cans were lying hidden, the search revealed nothing. Then the League was called in; and soon the convict Sergeant-at-Arms had restored to the prison authorities over 80 cans; the remainder had passed "down the yard" and the contents so promptly consumed that they were irrecoverable. No trace of the missing tins was ever found.

Third: The ill-organized and inefficient system of labor, which lacks any incentive to honest, steady work. Men are assigned to jobs entirely regardless of preference or capacity; they are kept at their unattractive tasks by fear of punishment; they receive no return for their labor, — (the cent and a half a day, graciously allowed by the State of New York, being a joke). Such

labor is mere slavery; and slave labor has always been inefficient and always will be. It is hopeless to expect men to do good work unless they can see some advantage to themselves in doing it. Men outside prison are not, as a rule, afflicted with what Kipling calls "a morbid passion for work"; and human nature prevails inside the prison in this respect, if in no other.

Fourth: The enforcement of silence. Even if there were suitable industrial reward for good work, prison labor would still be miserably inefficient under such a restraint. How students of penology could argue themselves into ignoring the fact that speech is the one thing that lifts man above the level of the brute; how they could imagine that human beings can be healthy in body, mind or soul, except by natural relations through the power of speech with their fellow human beings, passes understanding. Presumably put in force to prevent the corruption of the less dangerous criminals by the more dangerous, the rule of silence acts with precisely the contrary effect; for men, if they cannot talk to their friends will talk to their enemies — rather than keep perpetually silent. The denial of the right of speech does not prevent communication, it only renders it more difficult. It does not hinder conspiracy and wickedness — those get by; it is the pleasant word of hope and encouragement that is stopped, — the cheery "good-morning," the

kindly greeting of friendship. It is exactly as if an engineer were forbidden to put oil on his machinery for fear that he might be tempted to throw in sand.

Another comic element in the situation is the incredible foolishness which accompanies the efforts made to enforce such impossible rules. For instance, in Auburn prison there are eight cells in the "cooler"; each one with a grated door opening out into the vaulted room. Any man talking from his cell can be heard distinctly in all the other cells. Half the punishments on the books of the prison were for talking or whispering; and for these offences a man was sent to the one place in prison where he could talk all he pleased with perfect impunity!

Fifth: Added to the terrible silence, the no less terrible monotony. In prison so few things ever happen. Day after day, week after week, month after month, year after year, the same grinding, dreary, deadly monotony. Cell-block, buckets, breakfast, work; dinner, work, buckets, cell-block. Once a week, bath; on Sunday, religious services. (Religious services! And the rest of the Lord's day locked in a cell 7 feet by 39 inches!)

Every day or so one or more gray figures drop out of line and others take their places. Every month or so a horrible wave of nervousness sweeps the prison from end to end, and leaves the gray

community quivering; an execution is to take place. Some unfortunate who has been hidden away for months or years from the eyes of men, fattening for the slaughter, is to be killed in the electric chair. The day before the event you can see the dreadful anticipation registered in the eyes of every man in prison. No word is spoken; but behind the mask of every gray-clothed figure you know the thought is there. And the next day, after the killing is over, every man is limp from the nervous reaction.

There is no chapel on the day
  On which they hang a man:
The Chaplain's heart is far too sick,
  Or his face is far too wan,
Or there is that written in his eyes
  Which none should look upon.

So they kept us close till nigh on noon
  And then they rang the bell,
And the Warders with their jingling keys
  Opened each listening cell,
And down the iron stair we tramped,
  Each from his separate Hell.

. . . . . .

Like ape or clown, in monstrous garb
  With crooked arrows starred,
Silently we went round and round
  The slippery asphalt yard:
Silently we went round and round,
  And no man spoke a word.

Silently we went round and round
And through each hollow mind
The Memory of dreadful things
Rushed like a dreadful wind,
And Horror stalked before each man
And Terror crept behind.

Sixth: The constant espionage which the system makes necessary. If men are forbidden to talk or act naturally, of course they must be watched to see that they do not transgress the stupid rules. A strict and constant observation of every inmate becomes necessary, day and night. As it is obviously impossible to carry this out completely without a guard for every man, the prisoners find frequent pleasure in violating the rules. But no one who has not endured it can realize the nervous strain of constant subjection to the prying eyes of the keepers. From morning until night, and again from night until morning, the eye of the guard is upon you — on the gallery, on the march, at meals, at work, in your cell; no right to a moment's privacy, night or day. The result is a state of unstable nervous equilibrium that the slightest jar may destroy. A guard must be constantly prepared to meet a murderous assault upon himself, or by one inmate upon another, caused by grudges arising from the most trifling causes. "Many a time, as I have stood here," said one of the Sing Sing officers to me last winter, "have I seen two men working side by

side; one would accidentally jog the other with his elbow and quick as a flash a knife would be grabbed from somewhere or other and stuck in the fellow's back. Such things were of every-day occurrence under the old method."

Seventh: The system of "stool-pigeons," which the dangerous condition of constant nervous unrest brings about. The authorities feel it necessary to know what is going on among their charges; and rightly so. The only way to do this is to employ spies and informers; so the prison community is honey-combed with suspicion. Lying and deceit — baseness of all kinds, even vice in its most loathsome form, becomes a part of the prison system. In every shop or company is a "runner" or "trusty," — the officer's errand-boy, boot-black, valet and general factotum. He has access at all times to his master and can whisper in his ear any accusations he pleases against any inmate for whom he gets a dislike. This convict favorite often becomes a peculiarly obnoxious species of tyrant.

A prisoner friend of mine once offended the runner of his company; and the next thing he knew he was suddenly called before the captain and charged with having a knife in his locker. He indignantly denied it; but upon the locker being examined, a knife was found — presumably put there by the trusty who had reported. My friend narrowly escaped severe punishment

and was thereafter regarded with doubt and dislike.

Suspicion, fear and hatred are the inevitable accompaniments of the system of espionage. The air is always filled with charges against one man or another. Tale-bearing is encouraged; privileges and rewards go to the successful purveyors of gossip and scandal. Side by side with wonderful loyalty and fine heroism are the most despicable treachery and double-dealing. In one case a young boy of twelve in a juvenile institution committed murder. He had been persuaded to join a plan of escape; and then his companion had turned traitor and gained credit and privileges thereby. The killing of the "rat" followed as a natural result.

It is bad enough in prison to be subject to the whims and moods of an officer; but to be subject to the officer's stool-pigeon is often unendurable.

Eighth: The brutality which is a perfectly natural consequence of the system. The nervous condition of the men, caused by the silence, the monotony and the espionage, carries with it an equally nervous condition of the guards. "We stand on a volcano," said one of the officers of Dartmoor prison to a writer from the London Times. "If our convicts here had opportunity to combine and could trust one another, the place would be wrecked in an hour." This nervousness of the guard makes him irritable and severe.

He is afraid; and his fear engenders brutality; and brutality breeds revenge; the feeling of revenge and hatred for the prison authorities brings about more nervousness and greater fear; and so the vicious circle is complete.

Every generation or so there is a revelation of prison tortures; and a scandalized community forces the legislature to pass a law forbidding some special form of punishment that the diabolical ingenuity of man has invented; only to have some new cruelty devised to take its place.

Ninth: Underlying all the rest of the prison system — all the brutality and imbecility, is the denial of initiative — of any responsibility on the part of a man either for his own acts or the acts of others.

The theory would seem to be this: that these prisoners, having shown by their conduct in the outside world that they cannot be trusted to act rightly, will be made righteous by closing all avenues to wrong action. The authorities, being presumably exceedingly wise and good men, shall lay down rules of conduct; and the criminal will tread the straight and narrow path — because all possibilities of straying will be walled up. Thus shall wicked men become good by mere force of inertia.

Of course a system based on any such theory could be nothing else than an utter failure; a hopeless, futile absurdity. It is not possible to

close all avenues of wickedness; nor if it were possible, would it bring about the desired result. No men can be made good through force of inertia, any more than they can be made good by giving them nothing to think about, in the hope that they will thereby learn to think straight. If a man is sound at heart, — if he feels right, he will both think right and act right; but the process does not work backwards. There is no such thing as morality without righteousness — a state of being obtained only when the conscience is in good working order. Like the mental and physical machinery of man, the spiritual machinery has to be kept in constant exercise. If it is called upon only in the hour of stress, it is bound to fail.

These and similar statements are not offered as moral sentiments deduced from philosophic contemplation of the problems of the nature of man; they are truisms the truth of which has been forced upon me by a study of the prison system, by close examination of its workings and by endeavor to account for its failure.

Many years before I spent my week in Auburn prison I had become convinced that some form of self-government was the true solution of the prison problem. In 1896 I first became acquainted with the Junior Republic, at Freeville, New York, with which I was subsequently connected for more than 15 years as president of its Board of

Trustees. When William R. George, the founder and superintendent, first suggested that the same principles which were working so successfully with young boys and girls might work with equal success in a prison, the idea seemed preposterous; but subsequent reflection made me think that he was right. I became so convinced of it that in 1904, when I was asked to speak at the annual meeting of the National Prison Association, held that year in the city of Albany, I made an address on "The True Foundation of Prison Reform," in which occur the following passages:

> Mr. Gladstone once wrote in relation to Ireland's demand for home rule, and the idea that it must be kept back until the Irish had developed farther and were ready for self-government: "It is liberty alone that fits men for liberty." A golden sentence which contains the very essence of democracy. If it is true of nations, it is equally true of individuals; and just here is the fallacy at the bottom of our present prison theories.
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> . . . . . .
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> The prison system endeavors to make men industrious by driving them to work; to make them virtuous by removing temptation; to make them respect the law by forcing them to obey the edicts of an autocrat; to make them far-sighted by allowing them no chance to exercise foresight; to give them individual initiative by treating them in large groups; in short, to prepare them again for society by placing them in conditions as unlike real society as they could well be made.
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> . . . . . .
>
> What, then, is the proper basis for a prison system? "It

is liberty alone that fits men for liberty." Instead of confinement and repression in our prisons we must have the largest possible measure of individual freedom.

. . . . . .

Outside the walls a man must choose between work and idleness, — between honesty and crime. Why not let him teach himself these lessons before he comes out? Such things are best learned by experience. Some can acquire their lesson in life by the experience of others; but most men in prison under the present system cannot do that. They are in prison for the very reason that they cannot do that. But every one who is not an absolute fool can learn by experience, and the bulk of men in prison certainly are not fools.

So inside your walls you must have courts, and laws to protect those who are working from the idle thief. And we may rest assured that the laws would be made and the laws would be enforced.

. . . . . .

The prison must be an institution where every inmate must have the largest practicable amount of individual freedom, because "it is liberty alone that fits men for liberty."

While I had become fully convinced in 1904 that self-government was the practical remedy for the evils of the prison system, I did not see clearly just how it could be put in practice; and in such a matter that is the really vital point. The law, in dealing with patented inventions, awards the title not to the one who suggests that a thing can be done, but to the one who eventually plans and executes a practical method of putting the idea into actual operation.

For many years I wondered how and when such a system of self-government could be put in operation; and to find light on this subject was one of the reasons for my week's imprisonment. Thanks to the chance, (was it altogether chance, I wonder?) which sent me to the basket-shop and to my partner, Jack Murphy, an answer to the problem was found.

As Jack and I stood talking at our work-table on Thursday afternoon, October 2, 1913, the conversation drifted to the long and dreary Sundays. Jack agreed with all those with whom I had talked that Sunday afternoon was the worst thing in prison life. I said that I felt sure the prison authorities would be glad to give the men some sort of exercise or recreation on Sunday afternoons, if it were practicable. Then ensued the following conversation, as set forth in my journal:

"You can't ask the officers to give up their day off, and you don't think the men could be trusted by themselves, do you?"

"Why not?" says Jack.

I look at him, inquiringly.

"Why, look here, Tom!" In his eagerness Jack comes around to my side of our working table. "I know this place through and through. I know these men; I've studied 'em for years. And I tell you that the big majority of these fellows in here will be square with you, if you give 'em a chance. The trouble is, we ain't treated on the level. I could tell you all sorts of frame-ups they give us. Now

if you trust a man, he'll try and do what's right; sure he will. That is, most men will. Of course, there are a few that won't. There are some dirty curs — degenerates — that will make trouble, but there ain't so very many of those.

"Look at that road work," he continues. "Haven't the men done fine? How many prisoners have you had out on the roads? About one hundred and thirty. And you ain't had a single runaway yet. And if there should be any runaways, you can just bet we'd show 'em what we think about it."

"Do you really believe, Jack, that the Superintendent and the Warden could trust you fellows out in the yard on Sunday afternoons in summer?"

"Sure they could," responds Jack, his face beginning to flush with pleasure at the thought. "And there could be a band concert, and we'd have a fine time. And it would be a good sight better for us than being locked in our cells all day. We'd have fewer fights on Monday, I know that."

"Yes, it would certainly be an improvement on spending the afternoon in your cells," I remark. "Then in rainy weather you could march to the chapel and have some sort of lecture or debate. . . . But how about the discipline? Would you let everybody out into the yard? What about those bad actors who don't know how to behave? Won't they quarrel and fight and try to escape?"

"But don't you see, Tom, that they couldn't do that without putting the whole thing on the bum, and depriving the rest of us of our privileges? You needn't be afraid we couldn't handle those fellows all right. Or why not let out only those men who have a good conduct bar? That's it," he continues, enthusiastically warming up to the subject, "that's it, Tom, a Good Conduct League. And give the privilege of Sunday afternoons to the members of the League. I'll tell you, Tom! you know last year we got up

an Anti-swearing League here in this shop, and we had a penalty for every oath or dirty word. The forfeits were paid in matches. You know matches are pretty scarce here, don't you? Well, we had a grand success with that League. But this Good Conduct League would be a much bigger thing. It would be just great. And go! Sure it'll go."

The next day Jack and I discussed the matter again, especially the necessity of having some officers of the League to enforce discipline. To this he at first objected, on the ground that it "would be too much like Elmira. . . . I'm afraid the fellows wouldn't stand for it. You know they just hate those Elmira officers; they're nothing but stool-pigeons."

Here my Junior Republic training came to our aid, and I showed Jack how, if the officers were elected by the men, it would change their whole character. "They may turn out to be poor officers," — I said; "dictatorial, or weak, or incompetent — but they will not be stool-pigeons."

The die was cast; the seed of the new system had been planted. On the day I left prison Jack Murphy wrote me a letter, which contained this paragraph:

"To-morrow, Monday, October 6, I shall request one of the boys in the basket-shop to draw up a resolution pledging our loyalty to your cause; and I shall ask only those who are sincere to sign it. After this has been done, I am going to ask our Warden for permission to start a Tom Brown League; its members to be men who have never

been punished. Tom, I hope that you and your fellow-commissioners as well as Supt. Riley and Warden Rattigan will approve of this, for I am sure that such a League will bring forth good results. I have associated so many years among the class of men in this prison that I believe them to be part of my very being; and that is why I have so much confidence in the success of a Tom Brown League.

The matter had now become quite clear to me; in the prison I had not only found the practical way to get at self-government — through Jack Murphy's League, — but through my growing faith in the men themselves, I had learned that whatever measure of self-government was granted, to be really successful it must be worked out by the prisoners and not imposed upon them by the prison authorities. Reform, I saw clearly, must be the prisoners' own process; all that officials or outsiders could do would be to promote favorable conditions.

Had I had the opportunity, before I served my brief term as a prisoner, of assisting to put prison reform into operation, I should have made a fatal blunder. Conceiving that I knew much better than most people just what was good for the convicts, I should have gathered together a few others as wise as myself, (and as stupid), and we should have formulated an excellent plan of self-government — as logical, as correct in theory, as ingenious, as utterly futile and unworkable as any of those numerous constitutions of

the French Revolution, which kept dying as fast as they were born. The thing would have been a complete failure, because it would not have belonged to the prisoners, it would have been attempting reform from without.

What came to me so clearly, as Jack Murphy and I talked over the matter in the basket-shop, was that here were the men who knew; here were the men who had really thought seriously about the matter; here were the men who were the ones most directly affected. If a plan of self-government was to work at all, it must be worked by them; and they would certainly work their own plan better than they could some outside plan — no matter how perfect. I understood that the only self-government that would be successful in prison was the self-government which the prisoners themselves would bring about — their own self-government. This was real, vital democracy; this was solving the problem in the genuine American spirit.

Warden Rattigan saw the matter in the same light, and warmly supported the plan when I proposed that it should be reached through the prisoners themselves. How far we could get, we neither of us knew; we were prepared to go as far as we could, safely and carefully.

Whether or not I fully deserved it, I have always treasured the compliment paid me by one of the Auburn prisoners some time after the League

was well started. We were chatting one evening through the grating of his cell-door, when there came a pause: he looked at me contemplatively and then said: "Say, Mr. Osborne, when you first come in here I thought you was one of them dam'd reformers. But now I see you don't mean reform, do you? You just mean plain business."

With some difficulty I persuaded my loyal partner to forego the name of Tom Brown in connection with the League. Within a month he had secured interviews with the Warden and the Superintendent of Prisons and gained their consent to start the movement.

Six weeks later, (a delay caused by my absence on a business trip to Europe), the matter was taken up in earnest; and a series of events occurred, each one so exciting that it seemed to exhaust the possibilities of further interest.

On December 26th a free election was held in the different shops of the prison, to choose a committee of 49, to determine the exact nature and organization of the League, the general idea of which had been unanimously approved by show of hands at the conclusion of the chapel services on the Sunday previous. A half hour was given to each shop, before taking a vote, to discuss candidates and other matters relating to the proposed organization. The officers were of course in charge,

and extra but unnecessary guards were in attendance. Much interest was taken in the election; and there were some very close contests for places on the committee.

Two days after the election, (December 28th), the members of the committee of 49 were brought to the chapel, and the meeting called to order by the Warden. Some one made the motion that Thomas Brown, No. 33,333x, be made chairman, which was unanimously carried. Then the Warden and the guards retired. For the first time in the history of prisons a large body of convicts, unguarded, was permitted a full and free discussion of their own affairs. The discussion was not only free, but most interesting, as the committee contained men of many minds and of all kinds, sentenced for all sorts of offences — first, second and third termers.

The first question discussed was the membership of the League; should it be a reward for good behavior, or thrown open to every prisoner and terminated on bad behavior? As has been shown, the first idea Jack Murphy and I had had was the former; but Warden Rattigan had expressed his opinion that the more democratic form would be far better. The committee, in its discussion, went to the bottom of the question in short order. One member arose and said: "If the membership is to be only of those who have shown good behavior, who is to decide

what is good behavior? Who is to set the standards?"

"Why, I suppose the prison authorities will, of course," was my rather lame reply.

"We don't recognize those standards," was the decisive rejoinder, as the speaker took his seat.

The point, when put in this way was obvious and well-taken. The standards of the old system — the standards of soft jobs for "rats" and "stool-pigeons," but bread and water in the dark-cells for faithful fellows who would not "snitch on their pals," — such standards were not those of the right-minded men who must be the backbone of the League. It was the first point of division; and unhesitatingly the men turned to the path of sincerity and straightforward dealing. If they were to have a league, it must be one which represented their own ideals, not the ideal of the bad old system.

Unanimously the point was carried — the membership of the League must be thrown open to all; and forfeited for bad conduct, according to standards which it would be for the League to determine.

Then we came to the second question: What should the League do? As quickly as they had gone to the root of the first question, it was seen that this question need not be debated. What the League would be allowed to do rested entirely with the authorities. I suggested that the best

method of procedure would probably be to take up one desired privilege at a time; ask for it, and get it if we could. For instance, the privilege of the chapel for meetings on Sunday afternoons was obviously the first thing to bring about.

The third question was: How should the machinery of the League be formulated? A sub-committee of 12, with the chairman a member ex-officio, was voted; and with some difficulty, owing to my limited prison acquaintance, I selected the necessary members.

This sub-committee proved to be one of the most satisfactory bodies of the kind I have ever worked with. Businesslike, fertile in suggestion, keen in argument, good-tempered in decision. There was a general sense of the lasting importance of our discussions — of the movement we were starting. Three or four meetings of the sub-committee sufficed to formulate the by-laws, and after full discussion by the committee of 49, they were reported to the whole body of the prisoners on January 11, 1914, and unanimously adopted.

The scheme of government thus prepared was the simplest and most democratic imaginable. Every prisoner was eligible for membership in the Mutual Welfare League, which was the name adopted after much discussion. It was declared that "the object of the League shall be to promote in every way the true interests and welfare of the

men confined in prison." The motto was concise and explicit: "Do Good — Make Good." The colors, green and white, — emblematic of Hope and Truth.

Adopting the same constituencies that had elected the committee on organization, the governing body of the League was a board of delegates of 49, elected every six months. The delegates were to select an executive board of 9 from among their number, to which was entrusted the administration of the League. The executive board appointed a clerk, and a sergeant-at-arms, who was empowered to add as many assistant sergeants-at-arms as necessary, the delegates acting also in that capacity. The board of delegates was also divided into 8 grievance committees of 5 each, which should hear and determine all complaints against members of the League.

With this simple framework of organization the new prison system began. At the first election on January 15th many of those who had been on the committee of 49 were returned as members of the board of delegates. It was a thrilling sight when on Sunday, January 18, 1914, after the population of the prison in excited expectation was seated in the chapel, the newly elected representatives of their fellow-prisoners marched in two by two — each with a bow of green and white ribbon pinned to his gray coat,

to the thunderous applause of their constituents. Raising their right hands they took the oath of office read to them by the Warden, as follows:

> You solemnly promise that you will do all in your power to promote the true welfare of the men confined in Auburn Prison; that you will cheerfully obey and endeavor to have others obey the rules and regulations of the duly constituted prison authorities, and that you will endeavor in every way to bring about friendly feeling, good conduct and fair dealing among both officers and men to the end that each man, after serving the briefest possible term of imprisonment, may go forth with renewed strength and courage to face the world again. All this you promise faithfully to endeavor. So help you God.

Many of the prisoners showed deep emotion; and one man said to me afterwards: "When those delegates marched in, I just wanted to get up and shout. I never was so excited but once before; and that was when I was a soldier in Cuba and saw our fellows making their charge up San Juan Hill."

Better still was to come. The delegates met and selected an admirable executive board; that board met and appointed as Sergeant-at-Arms a young man named William Duffy, whose services to the League have only been equalled by those of Jack Murphy, the founder, and S. L. Richards, a prisoner whose faithful and untiring energy, high ethical standards and large experience made him almost invaluable as secretary.

On February 4th occurred the first meeting of a grievance committee. There had been a fight on one of the galleries and two men were accused. The question arose as to the kind of hearing that should be held by the committee; should it be a trial or an investigation? One of the guilty parties claimed the right to be represented by counsel; but it was quickly seen that this meant attorneys and cross-examinations and objections and all the rigmarole of a court. Many of the League members had already suffered from a surplus of legal procedure and they willingly listened to a suggestion that we start by throwing aside the whole simulacrum of a court. So counsel was refused and the two accused men were examined as witnesses — and both lied like the traditional trooper; exactly as they had been accustomed to lie under the old system. But when other witnesses were brought in one by one, some of them, understanding the changed conditions of things, told the truth. The case ended in both guilty parties making a clean breast of the whole matter, one of them being dismissed from the office of delegate, and both being suspended for the first general meeting of the League, which was scheduled for February 12th. The last punishment was afterwards remitted in view of the truthful attitude of the two men.

On February 11th a brief gathering of the delegates was held, so that the Sergeant-at-Arms

could give his instructions for the conduct of the first general meeting of the League on the next day. Remember that for the first time the whole prison population was to come together without guards! It is impossible for one who did not pass through those thrilling experiences to realize the excitement — the exhilarating effect of passing safely one after another of the milestones on the road to a genuine system of prison discipline. The delegates were filled with an enthusiasm which bore an almost religious character. They were pioneers of prison democracy. The meeting broke up with an earnest appeal from the Secretary reminding the men "that it was up to them to show that they could behave themselves and act like gentlemen."

The events of the next day I wrote out shortly after the occurrence; here is the account.

It is the afternoon of Lincoln's Birthday. Once again I am standing on the stage of the assembly room of Auburn prison, but how different is the scene before me. Busy and willing hands have transformed the dreary old place. The stage has been made into a real stage — properly boxed and curtained; the posts through the room are wreathed with colored papers; trophies and shields fill the wall spaces; the front of the gallery is gaily decorated. Everywhere are green and white, the colors of the League, symbolic of hope and truth. Painted on the curtain is a large shield with the monogram of the League and its motto, suggested by one of the prisoners, "Do good. Make good." At the back of the stage over the national flag a portrait

of Lincoln smiles upon this celebration of a new emancipation.

At about quarter past two the tramp of men is heard and up the stairs and through the door come marching nearly 1400 men (for all but seventeen of the prisoners have joined the League). Each man stands proudly erect and on his breast appears the green and white button of the League, sign and symbol of a new order of things. At the side of the companies march the assistant sergeants-at-arms and the members of the board of delegates — the governing body of the League; and on the coat of each is displayed a small green and white shield — his badge of authority.

No such perfect discipline has ever been seen before in Auburn prison, and yet there is not a guard or keeper present except the new P. K. or Deputy Warden, who in an unofficial capacity stands near the door, watching to see how this miracle is being worked. In the usual place of the P. K. stands one of the prisoners, the newly-elected Sergeant-at-Arms, whose keen eye and forceful, quiet manner stamp him as a real leader of men.

In perfect order company after company marches in, and as soon as seated the men join in the general buzz of conversation, like any other human beings assembled for an entertainment. There is no disorder, nothing but natural life and animation.

I look out over the audience — and my mind turns back to the day before I entered prison, when I spoke to the men from this stage. What is it that has happened? What transformation has taken place? It suddenly occurs to me that this audience is no longer gray; why did I ever think it so? "Gray and faded and prematurely old," I had written of that rigid audience — each man sitting dull and silent under the eye of his watchful keeper, staring straight ahead, not daring to turn his head or to whisper.

Now there are no keepers, and each man is sitting easily

and naturally, laughing and chatting with his neighbor. There is color in the faces and life in the eyes. I had never noticed before the large number of fine-looking young men. I can hardly believe it is the same gray audience I spoke to less than five short months ago. What does it all mean?

For this first meeting, the Executive Committee of the League has planned a violin and piano recital. For two hours the men listen attentively and with many manifestations of pleasure to good music by various composers ranging from Bach and Beethoven to Sullivan and Johann Strauss.

Between the first and second parts of the programme, we have an encouraging report from the Secretary of the League, none other than our friend Richards, whose cynical pessimism of last July has been replaced by an almost flamboyant optimism as he toils night and day in the service of the League. We have also speeches of congratulation and good cheer from two other members of the Commission on Prison Reform, who have come from a distance to greet this dawn of the new era.

Then after the applause for the last musical number has died away, the long line of march begins again. In perfect order and without a whisper after they have fallen into line, the 1,400 men march back and shut themselves into their cells. One of the prison keepers who stands by, watching this wonderful exhibition of discipline, exclaims in profane amazement, "Why in Hell can't they do that for us?"

Why, indeed?

The men have been back in their cells about an hour when an unexpected test is made of their loyalty and self-restraint. As I am about to leave the prison and stand chatting with Richards at his desk in the back office, the electric lights begin to flicker and die down.

Richards and I have just been talking of the great success of the League's first meeting and the good conduct of the men. "Now you will have the other side of it," says Richards. "Listen and you will hear the shouts and disorder that always come when the lights go out."

Dimmer and dimmer grow the lights, while Richards and I listen intently at the window in the great iron door which opens onto the gallery of the north wing.

Not a sound.

The lights go entirely out, and still not a sound. Not even a cough comes from the cells to disturb the perfect silence.

We remain about half a minute in the dark, listening at the door. Then the lights begin to show color, waver, grow lighter, go out altogether for a second, and then burn with a steady brightness.

I look at Richards. He is paler than usual, but there is a bright gleam in his eyes. "I would not have believed it possible," he says impressively; "such a thing has never happened in this prison before. The men always yell when the lights go out. In all my experience I have never known anything equal to that. I don't understand it.

"If any one had told me the League could do such a thing," he continues, "I would have laughed at them. Yet there it is. I have no further doubts now about our success."

But all was not smooth sailing, by any means. By a shrewd political move the executive committee had been selected by the chairman at the meeting of delegates and elected all on one ticket. It was an admirable list, but those who had thought they might be elected themselves were disgruntled, so that there was soon a warm

political fight on, which however only served to give life to the situation. The politics of the League have not always been of the highest; they have, in fact, sometimes borne suspicious traces of outside politics; but anything is better than the old monotony and stagnation.

On February 22d an old-fashioned minstrel show, prepared by the entertainment committee, was given before a delighted audience of the League; and on March 26th it was repeated for the benefit of the prison officers, their families and friends; a courtesy which went far toward reconciling the guards to the rapidly changing condition of things.

I have spoken of the lights dying down on the evening of February 12th. The next month we had a somewhat similar incident, but under much more exciting conditions. A distinguished English pianist had agreed to stop over on his way to New York from Chicago and fill one of the regular Sunday afternoon chapel meetings with a piano recital. As luck would have it his telegram was so late in delivery that there was no time to get a suitable piano. He arrived and was much disappointed, as were the men. He suggested to me that he give the concert the next evening. I gasped. "In the evening! Why, the men have never been out of their cells at night since the prison was built — 100 years ago. But I will put it up to the Warden."

I did so; and his action was characteristic. "It's never been done," he said; "but that's no reason why it shouldn't be. I'll take the chance, if you will." As the official responsibility was entirely his, I consented at once; and arrangements were duly made. Many of these men had not spent an evening out of their cells for years — five, ten, fifteen, some of them for twenty years. The excitement can hardly be imagined.

The evening came. The procession of 1,400 men started for the chapel. Between three and four hundred men were seated there; the long line stretched out through the chapel, through the halls, down the stairs and along the corridors. The galleries were filled with marching men. Suddenly something happened to the dynamo and every light in the prison went out!

The lines halted. Some few men started whispering, but were promptly hushed by the delegates. In perfect order and silence, minute after minute, they waited for the lights to return. Up in the chapel, meantime, the same good discipline reigned. The Sergeant-at-Arms, describing his experience to me the next day, said: "At first I didn't know what to do. Then I told Billy O'D—[the pianist] to play something. Then I saw the light of a lantern coming along the hall and I thought it was Johnny, the P. K.'s runner; and I yelled, 'Hurry up there with that lantern.' And when he came nearer, who do you think

it was? — the Warden. I said: 'Excuse me, Warden, I thought it was one of the boys.' And what do you think he said? He said, 'So I am, or I wouldn't be here.' Think of the Warden coming into this place in the dark alone with us fellows! Gee, that took nerve!"

After nearly fifteen minutes of darkness and perfect quiet the lights came back and the march was resumed. When my friend, the pianist, and I arrived shortly afterwards, there seemed to be nothing unusual, except that I noticed the Warden looked a little pale, and tense about the corners of his mouth.

The next day one of the men said to me: "I guess that was done on purpose, just to try us out; wasn't it?" And I, adopting the vernacular, responded briefly but forcibly: "Not on your life!"

Soon after this an interesting and most important meeting took place. We had run against a snag. Cases of discipline were still handled as usual by the prison officials, — the P. K. sending men to the dark cells on bread and water for all sorts of minor offences; then the same cases were being brought before the grievance committees. Thus the offenders were getting double punishment; with the result that guilty prisoners were refusing to own up, witnesses were declining to testify and grievance committees were objecting to serve.

There was but one thing to do; to show to the prison authorities that there were only two possible policies: to go forward or to go back; and that to go forward meant that the minor cases of discipline must be left to the League. Only in that way could full responsibility be placed upon the men and the real benefits of the new system secured. Warden Rattigan faced the situation with his usual good judgment, and, with the approval of the Superintendent of Prisons, proposed to hand over all infractions of discipline to the League except in five instances: (1) Assault upon an officer; (2) Deadly assault upon another inmate; (3) Refusal to work; (4) Strike; (5) Attempt to escape.

By the time the executive committee had secured this proposition from the Warden considerable dissatisfaction had developed about the prison. Gossip had greatly exaggerated the number of double punishments inflicted by the League and prison officials, and there had been revived the old jealousy and dislike of convict officers. One of the first men to whom Jack and I had suggested the League, when he heard of the authority it was proposed to grant to sergeants-at-arms, promptly responded: "Nothin' doin'. I wouldn't be bossed by no convict. Ain't the keeper enough? What's he paid for? No Elmira stool-pigeons for mine!"

There was added a third source of dissatisfac-

tion: — the natural shrinking from responsibility on the part of men who in many cases had been so many years under prison discipline that they had almost lost the power of initiative. The responsibilities of self-government, to some of these men, were painful; as painful, doubtless, in its way, as the sudden effort to use some muscle which has long been atrophied from lack of exercise.

A mass-meeting of the League was called to settle the momentous question. The day before, the executive committee told me that it was desirable I should preside; for it was altogether likely that a rather lively discussion would take place. We have come now to regard such mass-meetings as so much a matter of course that it is hard to realize how anxious we all felt concerning that first one. But at the time we had no precedents; there were plenty of people outside and officers inside the prison who were genuinely of the belief that to let the prisoners meet without guards was very much like unmuzzling a lot of mad dogs. So I laid my plans for the meeting very carefully before I went to sleep the night before.

On Sunday afternoon the 1400 men came together in the chapel and there ensued a serious, most interesting, and, at times, a really brilliant debate on the acceptance of self-government. One speech, in particular, was made by a clever Irishman, who had been in his day a well-known

labor agitator, and who from the first had taken a great interest in the League; and an unselfish interest, for his own term was nearly completed. His speech was a brief one, lasting only $3\frac{1}{2}$ minutes, — he asked the audience to stop applauding as he wanted his full allowance of time for speaking, — and in that short period he poured forth a stream of eloquence, humor, sarcasm and common-sense, ending with an impassioned appeal to the intelligence and righteousness of his fellow-prisoners, such as I have seldom heard equalled. He swept his audience along with him; and when the vote was taken at the end of a three-hour debate, only about twenty men were unconvinced. Inside the prison the day was finely and thoroughly won for the new system.

Every Sunday afternoon the League met in the chapel, where a wide variety of entertainment was provided. One day a musicale, another day a scientific lecture, then a moving picture show — (the battle of Waterloo), followed the next Sunday by a lecture on Napoleon. Always good conduct and increasing indications of better health and general morals.

As Memorial Day approached a new excitement stirred the prison: permission had been obtained to have open-air sports in the yard. For several weeks an athletic committee had been busy at work — preparing a schedule of

events, obtaining entries, and getting the various contestants into training. When the list was shown to and approved by the Warden, a certain third-termer, a man of solemn manner and much prison experience, said drily: "Warden, some of the boys have suggested an additional event, to be added at the end there: — a wall-climbing contest."

Some three weeks beforehand the Warden's chief assistant, the Superintendent of Industries, took me off one side and said: "Now, Mr. Osborne, of course I approve of this League. It's worked just fine on Sunday afternoons; and the men have certainly behaved splendidly up in chapel. But, do you know, I don't just like this yard business!"

Stifling any doubt I might myself feel, I looked him calmly in the eye. "What do you think they'll do?" I asked.

"I don't know," said he; "they might do almost anything."

"Yes," I rejoined, "they might; but they won't."

Two days before the 30th we seemed to be the victims of misfortune; the Warden was ordered away by the doctors for a fortnight's rest — having been in bad health for many weeks; and an epidemic of scarlatina developing, the prison was placed under quarantine. It seemed as though Fate was against us; but as we look back

now, it seems almost as if Fate had been consciously engaged in our behalf.

As the quarantine was strict, no officer was allowed to leave the prison. This was one advantage; for the first time many of the guards understood to some extent what imprisonment means. The absence of the Warden was another advantage; it gave self-reliance to the officials of the League, — who were thus forced to trust to their own judgments. The third advantage happened afterwards.

Memorial Day was one of glorious sunshine and summer air. After an early dinner, everything was made ready. The signal was given, the door of every cell was thrown open, the music of the band broke forth, and out from the iron portals into the freedom of God's fresh air and sunlight marched the 1400 prisoners — each company in charge of its own delegates and sergeants-at-arms. Each group stood at attention until the last man was in the yard; then at the trumpet call ranks were broken, friends rushed across the yard to greet each other, and brothers who for long years had never been able to speak, clasped hands and walked away together, their feelings too sacred for the common gaze. It was a sight which those fortunate enough to witness will never forget.

Through the long, bright afternoon there was good sport and pleasant fellowship. In the inter-

vals between the various athletic events the mandolins and guitars of the Italians made music; the crowds joined in the singing; the broad asphalt walks made good floors for dancing.

The executive committee had adopted a happy suggestion which had occurred to me — to pit the athletes of the North Wing against those of the South Wing; Auburn prison rejoicing in two cell-blocks. The result was that every one was wildly interested in the sports; and I was constantly reminded of some good-natured intercollegiate rivalry. It was difficult to think of these men as the cowed, sullen, dangerous creatures of six months before.

When the last race had been run, the big green and white banner had been awarded to the victors of the South Wing, and they had paraded their trophy proudly around the yard, it was time to end the happy afternoon. At the trumpet signal every man found his place, the companies were duly counted by their delegates; and as the band played the final number, the lines of gray figures marched back through the doorways. Then the bandsmen picked up their stools and followed after; the yard officer and his trusties swung-to the heavy iron doors, secured with bolts and huge padlocks on the outside; and the yard was left silent and empty to the gathering dusk. As we watchers from the head of the gray stone staircase turned and struck upon the iron door for

admission to the back office, the whole thing seemed already like a dream — a wonderful dream of human brotherhood; — a prophetic vision looking toward that

> "one far-off divine event,
> To which the whole creation moves."

The next day was as sunny and as summery as our glorious holiday had been. The Sergeant-at-Arms accosted me in his most insinuating manner. "Say; don't you think the boys ought to be allowed out in the yard for an hour after work to-day? You see it'll be awful good for their health; they won't catch that scarlet bug, or whatever it is."

"Yes," I answered gravely; "it seems to me it would scare the microbes; in fact it's absolutely essential, as a health precaution. Let's go and talk to Grant."

So we conversed with Mr. Grant, the acting Warden; and the result was another fine outing in the yard. The next day a similar request was preferred.

"Look here," said Grant; "you don't expect to get this hour in the yard as a regular thing, do you?"

"Why not?" I asked in answer. "All the guards are here and can't get away. Better give them something to do."

Upon reference to the Doctor, he could not but

admit that there was nothing better to be done in the way of preventive medicine. The guards on night duty had already reported a remarkable change in the cell-blocks; quiet, restful sleep instead of the long, wakeful, torturing nights. So again we had our hour of recreation.

Every afternoon, while that blessed quarantine lasted, we had the privilege of the yard; and such a physical change for the better I would not have believed possible in human beings. It was evident to the most casual observer. And day after day passed, with no fights, no disorder, nothing but the best of conduct.

Then came the day when that blessed quarantine was lifted; the joyous officers were released from their imprisonment; and the old schedule was put back in force. In spite of the continued fine weather, the prisoners marched back, at four o'clock, to their damp and dismal cells.

But it was evident to us all that it would not do; the blessings of liberty had been too patent. Some way must be found out of the situation; for no revolution moves backwards. Amid some grumbling from a few of the stupider guards, a new time schedule was worked out and the hour of recreation became a regular and established part of the prison routine.

The Fourth of July saw another and even better field day, — for the athletes now were in stronger physical condition; and soon afterwards the

Sergeant-at-Arms had a new inspiration. "Say, Mr. Fixer," was his irreverent beginning, "why shouldn't the men march to dinner under the delegates and sergeants?"

Our usual procedure was this: a suggestion would be made to me by the Sergeant-at-Arms or the executive board; I would take it under advisement. Soon after, in the course of conversation with the Warden, a similar suggestion would come to the surface. If I found the Warden favorable, either before or after argument, then I would take counsel with the original suggester and tell him that I thought well of his plan, — why not put it up to the Warden? The executive board, upon that, would proceed to put it up to the Warden, find him favorably disposed, and the thing would be done. Thus it was in the matter of the men marching under their own officers. I do not know that I have ever played a more useful part in life than that which brought me the name of "Mr. Fixer." Still it has its dangers. If things chance to go wrong, one is apt to find oneself in the position of Mr. Pickwick between the two rival editors.

Perhaps the most striking single episode in the history of the Auburn branch of the League has been the Honor Camp, of which some account was given in the first lecture. Twenty men were selected by the authorities of the League to form

this road-building camp; — most of them with long terms, most of them men with bad official records, most of them men of sterling character according to the prisoners' standards. For three months they were in camp, working hard every day at road making, gaining health and strength, fighting each his own temptations and gaining the mastery of them; winning here and losing there, but all the time building up manhood and capacity to fight the battles of the world outside.

I have gone thus much into detail in telling of the beginning of the Mutual Welfare League because I esteem it of the greatest importance that the nature and plan of this organization should be fully understood; not only by its by-laws and methods of procedure, but the spirit underneath, — for there is danger of the form being copied without an understanding of the far more important underlying principles.

For over two years now the Mutual Welfare League has been in operation in Auburn prison. Mistakes have been made; — mistakes by the men and mistakes by the prison officials. Where is there a community which has not made its mistakes? The League has had its ups and downs; some of the prisoners have lost faith — usually because their own personal purposes have not been served. But in spite of its shortcomings, there has never been a day since it started that those who have been in closest touch with its

workings have doubted that we were on the right path — that we had found the right solution of the prison problem.

TO THE ROAD BUILDERS OF THE TOM BROWN HONOR CAMP

One golden Indian summer day
Where sunshine overflowed,
I watched a busy group of grey
Building a straight grey road —
A road in which I seemed to see
A strange and splendid imagery.

Grey forms were breaking up the stone,
Splitting great rocks in two,
Crushing the smaller pieces — prone
To spoil the surface new,
That no rough places should reveal
Defiance to a trusting wheel.

And as I watched tears dimmed my sight,
For thrilling through my mind
Was this — that every road built right
With broken stone is lined —
Stone that is shapen 'neath men's will
Its useful mission to fulfill.

And each one of these grey-garbed men
Was making of his soul
Another broad straight road again
Upclimbing to its goal,
Each bravely crushing down his past
To make a perfect road at last.

ANNE P. L. FIELD

V

THE NEW PENOLOGY

FOR more than a hundred years a solution of the prison problem had been sought in vain; some system which should treat criminals in prison in such fashion that when they returned to society they would "live up to the rules of conduct deemed binding by the rest of the community." The Philadelphia system had been tried: shutting up men in solitary cells, without work and nothing but the Bible to read. Forced by the amount of insanity and suicide to modify the system, they had given prisoners work, but still kept them solitary. The result — hideous failure.

The Auburn system had been tried: congregate work, solitary cells when not at work, and silence. The result — again failure; the prisons crowded with recidivists.

One system had approached the problem from the mental side; aiming to solve it by making men *think* right. The other system had approached the problem from the physical side; aiming to solve it by making men *act* right. Both failed because the problem of crime is primarily neither a mental nor a physical problem but a moral one.

No man can be reformed except his conscience be quickened; unless there be established, either consciously or unconsciously, natural and healthy relations between the criminal and society — between the sinner and God. The successful prison system must approach the problem from the spiritual side; aiming to solve it by making men *feel* right.

The Mutual Welfare League, — the prisoners' own organization, having its origin in the suggestion of a convict and formulated and put in practice by the inmates of Auburn prison in the winter of 1913–14, is simply a piece of social machinery, its peculiar form determined by local conditions, intended to produce a certain result; and that result is the sending of men, at the end of their terms, back into society in a spirit not of revengeful destruction but of sympathetic co-operation. There was never any notion that the peculiar forms of the League were final or sacred. On the contrary, the principle is capable of many variations — as circumstances of time and place may dictate; but those who have watched most carefully the origin and development of the League feel that its substance is basic and eternal. They believe that the true foundation of a new and successful penology has at last been found.

But before the philosophy of the matter is further discussed, let us bring down to date the history of the League.

At the other three New York state prisons the experiment at Auburn was quickly known and its development watched with the keenest interest; but, wisely, no efforts were made at first to extend its operation. Within the walls at Auburn success was immediate and self-evident, as each new privilege was granted and eagerly absorbed; — success measured in terms of conduct and moral development. But no less remarkable was the success outside the walls; — in the bearing and actions of men leaving prison to make their way again in society.

Well, Mr. Osborne, I leave here on the 20th of this month and believe me — never again for me. I have played the crooked game in every way it can be played, most every kind of crooked game there is. Now I am done. It is a fast and excitable game, but I come to realize that it is not living and is bound to come to a bad end. But I want to say that prison life did not reform me, nor will it reform any man, for no man learns good in prison. My opinion is that the only way that a man can be reformed is get to his conscience and wake up the man in him. . . . I don't believe there is such a thing as a hardened criminal.

This came from a departing Auburn convict two years or more ago; and the writer has made good his resolve, going straight ever since he came out of prison. A few days since, I received from a Sing Sing prisoner a letter containing this:

While I am about it, I want to say for myself, that if I had met people like you and Dean Kirchwey, and Mr.

Miller when they gave me my first bit, I would not now be doing time. I have met Wardens and Deputies and keepers often in my line of business, and every time I looked at one of them, I got sore at society, and made up my mind to get revenge. Now how different everything is. We get a smile, and a nod of encouragement from all around here now, we feel so much better it is hard to describe and really it is hard to understand. Some of us have been grafters and crooks all our lives, but right now, speaking for myself, I want you to know that I am *done*. I don't feel a bit more religious, but if I live to do this bit, I will be on the level forever.

This is the first time in my life that I have made that promise to any one. God bless you.

Of even more significance perhaps was our experience with another Auburn prisoner — one of the first members of the executive committee to graduate. He was a man of much more than ordinary intelligence, who was once described to me by a friend as follows: "Sam's a real sticker. Why, any bunch of thieves would be proud to have him in the gang." The Sergeant-at-Arms pointed him out to me upon the occasion of the entertainment given by the prisoners to the guards and their families. He was acting as one of the band of ushers who, arrayed in white shirts, collars and neckties, had presented such an excellent appearance that most of the visitors entirely failed to realize that they were being shown to their seats by some of the most notorious criminals in the state. In the midst of the

entertainment I heard a chuckle from the Sergeant-at-Arms, standing beside me in the rear of the room. "I wish you'd take a look at Sam," he whispered; "he don't know whether he's standing on his head or his heels. This is the first time he's been up after nine o'clock in twelve years!"

As the spring advanced and his term drew to a close, there happened one day to be a brief debate in the executive committee upon the general subject of "making good" after release, and Sam uttered a cynical remark, for which I took him to task the next day.

"Well, you see you don't fully understand these things," said Sam. "It is all very well to preach to us fellows and tell us to be on the level; but you don't realize what we have to face. If you had got the raw deal I've had here, it wouldn't be so easy for you yourself to go straight."

"Perhaps not," said I. "Of course I don't pretend to know all the game you're up against; and I believe that every man has a perfect right to go his own road when he leaves here. But one thing I do know; that no man can possibly make good unless he has confidence in himself; — unless he leaves prison believing that he *can* go straight and *will* go straight. If he does not believe in himself no one else can be expected to do so." After a few moments' thought I added: "Perhaps I know more than you think I do about some

things. For instance, I know about a crooked letter that went out of here not so very long ago; and when a certain can of tooth-powder arrived, it didn't have any dope in it; it was just plain, ordinary tooth-powder."

I looked hard at Sam, but he never winked an eyelid. He merely remained silent for a moment, examining with apparent interest the lower buttons of my vest. "So the rat squealed, did he?" was his leisurely comment. "Of course I knew something had happened. Well, I'm not surprised. Does the Warden know?"

"Not everything," I answered; "and there wasn't any squealing done by the fellow you suspect. The Warden and I knew about this matter, many weeks ago; and you must admit he's been pretty white about it, hasn't he? Moreover, I know more than he does, and I certainly haven't squealed on you."

Sam's face was still impassive, but he drew a long breath. "Do you mean that I don't lose any of my good time; that I can get out on schedule?"

"Why not? I'll not tell on a pal; and the Warden doesn't seem inclined to take any steps to stop you. What are you going to do when you get out?"

"I don't know," said Sam.

Three days later I went into the chapel where the League at its own expense was making nu-

merous alterations and improvements. Sam had volunteered his services as a carpenter and was helping to lay a new floor. He came over to me.

"Say," he began; "I didn't tell you the truth the other day. I said I didn't know what I was going to do when I went out. Well, I didn't like to tell you that about four months ago I made arrangements to join some friends of mine; — they're a bunch of thieves, you know." Sam hesitated a moment and then went on: "I think you'll be glad to hear that yesterday I got out a crooked letter, telling them that they needn't count on me — there's nothing doing. I can see clearly now that the officers of this League have got to go straight."

There are some other very interesting points in Sam's case; but they need not be related here. It is sufficient to add that he got out on time, is now settled in a Western city, happily married and going straight.

This case was, as I have said, a significant one. Men began coming out of prison in a most surprising frame of mind — with not only an intention to go straight but with a desire to make amends for their former mistakes. "You can't hear anythin' 'round dis prison now," said a young New York lad, a skilful and experienced pickpocket, "'cept how we're goin' to make good when we goes out." Surely an amazing condition — all things considered: and quite as be-

wildering to the prisoners themselves as to those who watched it from the outside.

Perhaps the most remarkable instance of the transforming power of the League lies in the story of Canada Blackie. That has been told in full elsewhere,[1] but its main points will bear retelling.

Blackie was a dark-eyed and black-haired white man, born in Canada. The death of his dearly-loved mother and the severity of an unsympathetic father were the causes of his leaving home. Before the age of twenty he was in state prison, after having been circus performer, cow-boy, train bandit, and Heaven knows what beside. He once told me that he had never stolen from one that could not afford to lose the money, and seemed to think that it was to his credit that his robberies were confined to banks, postoffices and express companies. There is more than a touch of Robin Hood in many of our criminals.

In various prisons Blackie was the victim of the usual brutalities which the old system has meted out to vigorous and high-tempered youth. Remember that it was the belief even of the conscientious supporters of the old system that the spirit of prisoners must be broken; and when successive wardens tried and failed to break the

[1] See "The Story of Canada Blackie," by Anne P. L. Field — published by E. P. Dutton & Co.

indomitable spirit, which God had placed in this man, they called him "an incorrigible" and treated him with still greater brutality.

In the year 1903 there was a bank robbery at Cobleskill, Schoharie County, N. Y., and a watchman was killed. Exactly how much Blackie had to do with it we are not likely to know now; for after his arrest, true to "the ethics of his profession," he refused to talk. Two men went to death in the electric chair; Blackie and another were sent to Clinton prison with life sentences. In New York State a man sentenced to "life" is eligible for parole at the end of twenty years; and Blackie started off bravely and uncomplainingly to do his new bit. For seven years he had a perfect record; then something happened. Either the doctor was to blame for an inconsiderate lack of tact, or else Blackie's nerves had worn thin through long confinement — as nerves have a habit of doing; at any rate, the result was the same; impatience, insolence, punishment, bad conduct and more punishment. Months of solitary confinement in a dark cell made the man desperate. With three others there was a mad attempt at escape; before they were overpowered Blackie had shot a guard through the shoulder with a pistol he had manufactured out of a piece of gas-pipe, getting the explosive by scraping the sides of match-boxes. For this act he was placed on trial before the county court and given an

additional ten years. He was then taken back to prison and put in the dark cell again.

In all he was in the dark cell for one year and eight months; with no bed or blankets, sleeping on the bare stone floor, winter and summer, and keeping his reason only by inventing games; thinking over all the poetry he had learned as a child and bringing it back to his memory line by line; tearing the buttons off his shirt and then standing at one end of the cell and throwing the buttons over his shoulder; if he found all the buttons before he finished adding up to a certain number, it counted one for him, — if not, it counted one for the buttons.

At the end of the twenty months Blackie came out of the dark cell blind in one eye, and ill with the tuberculosis which eventually brought his death.

He came out of the dark cell; — but only to be shut in solitary confinement in a light cell. For three years he was thus "in isolation," supposed to communicate with no man but the jailer; nevertheless he managed to get word to those outside and the authorities heard of dynamite hidden somewhere about the prison yard. When I once asked Blackie about this, he turned upon me almost fiercely. "It was there, all right," he said; "I intended to blow out the end of the cell-block while the men were away at dinner. Yes," he admitted, "some one might have been

killed; but wouldn't you do it, if you were in for life?"

I thought it wise to turn the subject without answering the question.

Blackie was transferred, heavily hand-cuffed and shackled, to Auburn prison, where he was immediately placed again in solitary confinement. Here he had been for over a year when I made his acquaintance.

A very nervous, broken man it was to whom I was introduced through the bars of his cell-door. I was not aware that it was the wild and dangerous criminal of whom I had heard so much. We shook hands and began conversation. Soon I asked him how long a bit he had. He turned upon me with a curious, inscrutable look. "Life — and ten years." Then seeing the smile which I could not conceal, he added: "It does seem a little superfluous, doesn't it?"

That was the beginning of a remarkably pleasant friendship. Two or three times I had the privilege of sitting with him an hour or so in his cell, talking of prisons and prison reform. I found he had many excellent and practical ideas, — which at my request he reduced to writing for the benefit of the Commission on Prison Reform. He was keenly interested in my week's incarceration; and kept track of all the details of the formation of the Mutual Welfare League, in the mysterious way that a clever prisoner appar-

ently always succeeds in doing in spite of the rules. The influence of the new system, as the League developed, penetrated even to the isolation cells and broke down a desperate resolve that Blackie had been cherishing. For many months he had been laying plans for another attempt to escape — a desperate and dangerous chance; but what did life hold for him but his solitary cell, a cot in the hospital, a convict's lonely death-bed and an unknown grave in that saddest of all places — the prison cemetery; — "*Twenty-five gallery*" — as they call it in Sing Sing, — the highest numbered gallery in the cell-block being Twenty-four.

At Auburn prison Decoration Day, 1914, with its accompanying quarantine for scarlatina, passed as was described in the last lecture; — the races and games and long, sunny afternoon in the yard. May 31st brought the granting of the first regular hour of recreation; June 1st continued the custom; and on the next day I received word from the isolation building that Blackie wished to see me. In the afternoon I gained the necessary permission and stood in front of his cell.

"Come in here, I want to say something to you."

For a month or more I knew Blackie had wished to talk with me in private; in fact, he had urged it upon me several times. He had asked me to get permission for him to be taken out front to the Warden's office, where we could be sure, he

said, of not being overheard. "You know these walls have ears and eyes too," he whispered; for he was always afraid one of the "screws" was listening down the corridor, just out of sight.

When I mentioned Blackie's request to the Warden, he shook his head, — his office was too near the street; and Blackie was held to be the most desperate and dangerous criminal in the state. "Not that I really think he would do anything," said the Warden; "but he might. I wouldn't want you to run the risk." And, frankly, I was not altogether sorry that he held that view.

On this occasion the officer let me into the cell; the grated door was locked and I sat down on the bed. Blackie wasted no words. "There is something I want you to do for me," he said. Then, reaching down to a shelf below his table, he produced a can of talcum powder, pulled open the cover, dug with his finger down through the powder and drew forth a small parcel. From this he proceeded to unwind a cotton rag and then handed me a rough key. "That fits the door of my cell," said he; and added with a tinge of pride: "I don't believe there's another man in prison could have made that key!"

Then from another hiding place he drew forth a short piece of steel, fashioned into a knife; and as he placed it in my hand remarked grimly: "I intended to use that." Then he seated himself in his rocking-chair and faced me. "I want you

to give those to the Warden; and tell him that I feel so deeply what he and you are trying to do for the men in this prison that I want him to know he need have no further anxiety about me; — *I'm going straight.*"

And from that moment he never flinched.

In considerable excitement I returned to the office, and to the warden by long-distance telephone I told my tale, adding: "I want you to give permission for Blackie to come out into the yard with me to-morrow." He consented; and the next day, as soon as the prisoners had marched out of the prison for the hour of recreation I went again to the isolation cells. Now let Blackie himself continue the story, as he wrote it to Donald Lowrie later on the same day. By a curious coincidence Lowrie, the first ex-prisoner to be permitted to visit Auburn Prison and the first visitor to be shown around by a prisoner, was brought to Blackie's cell by William Duffy, the Sergeant-at-Arms of the League, at the exact moment that Blackie had tried his key and found that it fitted; and all the time the three men stood conversing, Blackie was using his foot to keep the door firmly closed. A striking group in a dramatic situation!

June 3rd, 1914.

Dear Friend Don: The above is the date of my new birthday. After five years of a living death in solitary, I have been resurrected again, — making my second time on

earth, as it were. So you see I was right when I said, "A man can come back." This afternoon Mr. Osborne came to my door and as the officer who accompanied him inserted the key to spring the lock, Mr. Osborne said, "Get your coat and cap, old fellow, I want you to come with me and see something worth while." Knowing that the men had recently been given the liberty of the yard, I, of course, immediately divined the kindness about to be bestowed. I at first felt inclined to say that I could not accept the invitation, knowing, though, that it was extended in all kindness. My reason for wanting to refuse was because I felt that I would feel too keenly the embarrassment that comes to one when suddenly placed among his fellowmen after so long an absence. Mr. Osborne would not, however, take no for an answer, and kindly insisted that I should put on my coat, he helping me with it, and chatting pleasantly all the time. This I knew was to put me at ease. . . .

After traversing the corridor of the isolation building, we came to the double-locked doors — two of them, — which lead directly into the main prison yard. As we stepped into the pure air, I felt as though I wanted to bite chunks out of it, but the first deep inhale made me so dizzy that I actually believe I would have staggered had I not taken myself into firm control. On rounding the end of the cloth-shop, we came into full view of the most wonderful, as well as beautiful, sight I have ever seen in prison, — or outside, either, for that matter. I hardly know how to describe this sight; but picture to yourself, if you possibly can, fourteen hundred men turned loose in a beautiful park. For years previous to this good work now being promoted by Mr. Osborne and the prison officials, these same men whom I now see running in and out among beautiful flower-beds and playing like a troop of innocent boys just out of school, had been harnessed, as it were, to the ma-

chines in their respective shops, without even the privilege of saying good-night or good-morning to their nearest neighbor. But what a wonderful change has come to pass! Instead of the prison pallor and haunted look which once predominated, I now notice smiling eyes, and that clean look which exhilarating exercise in the pure air always brings to the face.

When Mr. Osborne and I reached the lower end of the park, he invited me to stand where we could get a full view of everything. Among the first things I noticed was a ring of the boys formed around something, I could not see what. Mr. Osborne, in answer to my question, said it was a party of Italian lads, waltzing. Just then some one stepped out of the ring, leaving a space through which I could see the boys dancing to their hearts' content. . . .

* * * * * * * * * *

Several of the boys are now waiting to greet me. Billy [Duffy] noticing this, turns to chat with Mr. Osborne so as to give them their turn. We are quite a crowd by this time, every one laughing and joking. Some one suggests that we walk up to the other end of the park. Billy, hearing this, says, "Yes, come on, old man, it will do you good." I glance over to Mr. Osborne. He smilingly nods consent. So away we go, he joining the party, also. On the way up the walk, I shake hands with many of the boys, who come running up to extend a kind greeting. Some birthday, eh, Don? All along the line we pass bunches of the fellows, some dancing, others playing stringed instruments, and out on the lawn are hundreds throwing hand ball. Arriving at the upper end of the park, we all go over to lounge on the lawn. I wish I could convey to you the feeling that came to me as I felt the green yielding grass under my feet. I felt as though I wanted to roll right over; and when you stop to consider that I have not had any grass to stretch

out on for over twelve years, you can readily understand my feelings.

After spending a very happy afternoon, the bugle sounded assembly. . . . On both sides of the park the men had formed in double columns on the smooth concrete walks. This gives each man a full view of the beautiful flower-beds and Old Glory floating in her place at the top of the pole. When the men are all in place, there comes a sudden hush, and then from away up on the extreme right-hand corner from where we stand comes the sweet strain of "The Star Spangled Banner," and as the flag dips her "Good Night, Boys" and is slowly lowered, each inmate and officer bares his head in all honor to her colors. The music ceases, and I hear in a soft voice, "All right, Joe," and Joe, an inmate and delegate of the League, just as softly gives his command, "'Bout face." His company turns as one man; and then another soft, "Forward, march," and away they swing into their cell halls in true military style. After watching several companies run in, Mr. Osborne and I start back to where I belong. In doing this we have to pass between two lines of hundreds of men. As we reach about midway, the boys start a hand-clapping. They all recognize the kindness bestowed upon me, and show him their appreciation in this manner; and to me their hearty, "Good night, Jack, cheer up, old man," coming from all down the line, was good to hear. Arriving at my quarters, Mr. Osborne extends his hand and bids me a pleasant "good night," and thus ends my birthday into a new and I hope a better life. . . .

Well, I am tired, so will close and turn in. I hope I have not tired you also, Don, with all this; but it's my birthday, old fellow, and I wanted to share it with you.

The day after this red-letter episode I thought it wiser for Blackie to stay in his cell, lest the

excitement prove too much for him; but the following day he came out, and the next, and the next. Within a week he was removed to one of the regular cells in the north wing; and was at once appointed an assistant sergeant-at-arms of the League. In July he was elected delegate of his company (the invalid company) and received the largest number of votes for the executive committee. His appearance improved wonderfully; his face, which was almost the color of his gray coat the first day I took him into the yard, became ruddy and his eyes regained their peculiar fire. By September he was one of the most trusted men in Auburn prison, and justly so; for his voice was always raised on the side of right and common sense. No man in prison wielded a greater influence and he always used it to strengthen the League, the essential principles of which he grasped with the same keen intellectual force which had formerly made him a bold and determined criminal. All the great power of the man which had once been employed in destruction was now engaged in solving interesting constructive problems.

"I wish I could get out of that back gate," he said to me one day, as we were returning to the isolation building, before he was removed to the cell-block.

"Why?" I asked.

"So that I could walk right around and come

into the front gate. I'd like to show them what this League means."

To him it meant something high and holy, something more than life; — it meant service. A passionate desire seized upon him; — a desire to aid his fellow men, — which, after all, was only another expression of his old loyalty to his pals. This dangerous criminal, — this wild-beast, fit only to be caged and beaten and broken — according to the old theories, became one of the most potent forces for good in the whole state of New York.

It had from the first been in the minds of the prisoners that as soon as the success of the League had been thoroughly demonstrated it should be gradually extended to other prisons; and the best plan to do this was often discussed. Unfortunately the prisoners were not consulted in the matter; — which fact was only one of many proofs that the movement was not really understood in the State Prison Department at Albany. While permission had been given for the League to be started and its development was not obstructed, yet no intelligent interest was ever shown by the superior officials of the Department; and there was little if any comprehension of the real principles underlying the new movement. This was evidenced by the action taken at Sing Sing.

It had been the desire of the men of the League to extend its activities first to Clinton prison, as the number of young first-termers at Sing Sing made that prison by far the most difficult problem of the three; but unfortunately certain political considerations were allowed to dictate. Without the slightest endeavor having been made to study or understand what was doing at Auburn, it was suddenly announced from Sing Sing that a new era in prison management was about to open; a new system, to be carried out by a prisoners' organization, christened "The Golden Rule Brotherhood," was to be inaugurated. The metropolitan press, knowing nothing of what had been happening so far away as Auburn for the last seven months, published columns about the wonderful new system at Sing Sing which began with Sunday baseball, — a prison nine playing match games with outside teams. Moving pictures and a number of other privileges followed, which were of course snapped up eagerly by the men.

Unfortunately it was a plain case of putting the cart before the horse. The rewards were given out before they had been earned; the privileges enjoyed without the responsibility which alone made the exercise of such privileges valuable. Before many weeks had passed it became evident to any thinking man who visited the prison that the Golden Rule Brotherhood was a sham; the prisoners were not being exercised in the bearing

of responsibility; they were merely being bribed to be good. There was an elaborate constitution and by-laws; but there was nothing substantial behind it, — the essentials of self-government were lacking. The men went out into the yard to watch the Sunday base-ball games; but they marched under the prison officers and a cordon of guards surrounded players and spectators. Not being thoroughly and effectively trusted, the prisoners naturally abused what trust there was. Drugs and liquor came pouring into the prison in larger quantities than before; and matters were rapidly hastening to some kind of an explosion, when scandal of another sort diverted the attention of the authorities, and the dismissal of the warden closed another unedifying chapter in the history of this unfortunate prison.

Then, to my very great astonishment, it was proposed to make me warden of Sing Sing. Had I been offered the presidency of China, I should not have been much more surprised. I had not the slightest personal desire ever to hold office again, and certainly not the one offered me; but the opportunity of service was too great to be lightly refused. I called a meeting of 25 of my most devoted friends among the prisoners, — the twenty men of the Honor Camp, Canada Blackie and some others of the executive committee, — and asked them to help me decide. All the

afternoon we discussed the matter; then they requested another day to debate on it. At the end of the second day they took a ballot as to whether or not I should accept. The vote stood: No, 7; Yes, 18.

An appealing telegram from a prisoner — a member of the League who had been transferred to Sing Sing, settled the matter. I accepted the post, well knowing that I should have many serious difficulties to overcome; — for no man can at present hold the office of warden of Sing Sing honestly, without warfare against all the powers of evil — political and otherwise.

Taking office on December 1st, 1914, I lost no time in getting the League under way. On the evening of that first day I held a meeting with the executive committee of the Golden Rule Brotherhood. New privileges were granted, but responsibility was insisted upon. The Sergeant-at-Arms became of great importance as at Auburn; the delegates and the executive committee suddenly found themselves holding genuine power. In some ways there was improvement over the Auburn League. A judiciary board was established in place of the eight grievance committees, and court was held every afternoon during the hour of recreation, whenever there was any business to transact; and to the judiciary board were trusted all cases of discipline — with an appeal to the warden's court, consisting of the warden, the prin-

cipal keeper and the doctor. In time the name as well as the spirit of the organization was changed, and the Golden Rule Brotherhood became the Mutual Welfare League, Sing Sing Branch.

Beginning with the knit-shop, hitherto the most turbulent shop in the prison, the companies were one after another put under the marching orders of their delegates and sergeants. Then all guards were removed from the mess-hall; and later from the shops, which were placed in charge of the foremen, like any work-shops outside. This latter reform also began with the knit-shop. I spoke to the men there one afternoon, telling them that I had been greatly pleased with the way they had responded to the responsibility of marching without guards. I told them that I had been warned that theirs was the worst-behaved shop in Sing Sing; "but," said I, "there has been no trouble since I came and I do not expect any. But as I wish to make certain that there will not be any trouble, I am going to take all the guards out of the shop; for, of course, if there's no one to make trouble for, there can't be any trouble."

There was a moment of silence. Then, when the meaning of the thing dawned upon them, there was an audible gasp — as of men suddenly plunged into cold water; then some one began to laugh, another and another joined, until a hearty roar arose and cheering until the rafters rang. There

has never since that time been any serious trouble in handling the discipline of the knit-shop; although under the old system they used to have as high as ten or twelve cases of punishment a day, and many serious and bloody assaults.

On the Sunday following my taking office, for the first time within the memory of man, there was not a single prisoner under punishment; since that time the dark cells have been entirely discontinued; no one has been confined on bread and water; and for 13 months, while there were a few men confined from time to time for observation, there were only 24 men officially punished. Order and discipline have been maintained by the officers of the League; and suspension of the League privileges has proved to be the only punishment necessary.

As proof of this remarkable condition of affairs, take the following figures:

In the seven years, previous to the prison fiscal year ending September 30th, 1915, there had never been less than four escapes and as high as 19; the average for the seven years being $9\frac{4}{7}$. In 1915 there were only three; less than $\frac{1}{3}$ of the average.

Taking up the matter of labor, we find it difficult to compare one year with another, owing to the shifting conditions and paucity of records. In the shoe-shop, however, we can get a fair index of the spirit of the men as evidenced by

their work. The following figures speak for themselves:

Fiscal year ending Sept. 30:	*1911*	*1912*	*1913*	*1914*	*1915*
Total number pairs of shoes made:	37,641	45,183	41,380	55,124	69,345

In the matter of discipline we are faced by the same difficulty of comparison, owing not only to the incompleteness of the records, but to the fact that under the new system many matters come to light which were formerly hidden from the authorities; but even with that margin of error against the new system, the comparison, in the case of the only really dependable figures obtainable, is striking. These figures are the records of emergency cases in the prison hospital, sworn to by the prison physician in his annual report. These emergency cases include all wounds, cuts and other injuries inflicted in fights between prisoners. Some of these injuries might possibly be due to accidents; but the greater number are the results of physical encounters.

We find the number of emergency cases treated in the hospital to be as follows:

Fiscal year ending Sept. 30:	*1913*	*1914*	*1915*
Average Daily Population	1439	1466	1618
Number of Emergency Cases	378	372	86
Percentage of population	26+	25+	5+

As a matter of fact, the record is much better than these figures would indicate. The League did not fairly get running before January first;

and of the 86 cases for the year, 44 occurred in the first three months, while only 42 occurred in the nine months under the League management. The first 6 months of the present year (1916) make an even more remarkable showing: 28 cases, or only $3\frac{1}{2}$ per cent.

It is possible to separate from the emergency cases those recorded as "incised wounds," or cuts, — and those recorded as "stabs"; both of which are, of course, the results of serious fighting and assaults. The figures are as follows:

	1913	*1914*	*1915*
Incised wounds:	197	215	67
Stabs:	94	43	4

If the point should be raised that this reduction might be caused by fewer cases being treated in the hospital, these figures give the answer:

	1913	*1914*	*1915*
Number of cases treated in hospital:	437	456	677
Percentage of prison population:	30	31	42

Says Professor Aschaffenburg:

The means hitherto employed in combating criminality have proved to be ineffective. Hence, no one can be blind to the necessity for far-reaching reforms except those who cling narrow-mindedly to the antiquated and admittedly inadequate methods that have proved unsuccessful. The facts shown by impartial criminal statistics cannot be denied. The system of criminal law that has been forced and squeezed into sections must also bow to the advance of science. We

cannot hope that the new life which we hope to breathe into the rigid and benumbed forms will immediately lead to a sudden and complete reformation, but we may and do expect that its gradual growth will produce better fruits.

In Auburn and Sing Sing prisons, by trusting the prisoners, we have brought about those "far-reaching reforms" the need of which the scientist has recognized. Some day we may even hope to breathe the new life into the "rigid and benumbed forms" of the criminal law. May that day be soon forthcoming!

Says Dr. Healy, Director of the Juvenile Psychopathic Institute of Chicago:

The notorious failure of both the past and the present in dealing with the individual offender, evinced . . . by the astounding annals of recidivism, clearly demonstrates both the non-existence of any such science [as criminology] and also the need for its development.

The notorious failure of "the past and present in dealing with the individual offender" we are remedying; for we have found a system in which the individual is never sacrificed for the sake of the institution, but the institution helps in every way it can toward the development of that individuality in which lies the true hope of reform.

A survey of the prison situation would be incomplete without mention of the so-called "Honor System," which has been tried for several years in a number of different state prisons, — chiefly

in the West. It has undoubtedly brought about better material conditions in those institutions and kinder treatment of the prisoners; and many conscientious people are entirely satisfied to stop there, believing that all the desirable or necessary prison reform has been accomplished when a cold-hearted, brutal autocrat has been replaced by a kindly, benevolent autocrat. But it all depends upon what is our understanding of the purpose to be subserved by the prisons; upon what is regarded as the ultimate object of the prison discipline. Are you looking for immediate or for permanent results? Do you believe in discipline or in training? Do you wish to produce good *prisoners*, or to prepare good *citizens?*

The Honor system is frequently not an honor system at all. Men are sent out on a farm or to some distant locality, and work out of doors with somewhat relaxed discipline; but they are still surrounded with guards, — sometimes with bloodhounds ready to pursue an escape, as at Great Meadow prison in New York State. The men are not charged with any real responsibility either for their own conduct or for the conduct of others.

Here is an outline of the daily life in a camp under the Honor system, given me by one of its members:

> We slept in an old building turned into a dormitory, holding about 60 beds. It wasn't a bad place; there was plenty of air and the beds were good.

We got up at 6, every morning, dressed, and ran across to the wash-room, which was in another building. They didn't give us time enough to wash, which was done in a great hurry. Then we lined up, single file, and marched in to breakfast, which we found already laid out for us and often cold. We were not allowed to talk; and the rule was very strict. There was only one screw [guard] on duty there; but if he caught us talking, we were punished.

After breakfast, for about 15 minutes, we went to an old shanty in the center of the camp, which was called the "smoke-house," where we could talk and smoke. We could also talk while we worked.

At 7 o'clock we were on our jobs: farm work, road-making, cleaning house, cooking and other work about the camp.

At 11:55, wash-up and dinner.

At 12:20, to the smoke-house. There was always a screw there, to stop us smoking cigarettes, which were forbidden. We were not allowed newspapers; and we could write only one letter a week.

At 1 o'clock we went back to work again until 5, when we washed up and had supper. Then to the smoke-house until 6:30; and then to the dormitory for the night. Every man had to stay on his own cot and could talk low with the man next him; but there was no leaving your place without permission.

On Sunday there was compulsory religious services held in the dormitory, with the beds moved back; Catholic one week, Protestant the next.

There were 11 screws to the 50 men. Wherever we went, a screw went with us; and we were never allowed to leave the grounds.

When we were punished we were sent to the "cooler," a small stone building with iron cells. There was one case when two fellows were in there; one was sickly and he fainted away; the other one banged with his tin cup. I

heard it and called the attention of the officer; but he thought they were only doing it to make a disturbance. After awhile I spoke to another one, — a sort of good-natured screw, and he finally went to see if anything was the matter. The sick fellow had been unconscious for about two hours.

I don't think there was much "honor" about that camp.

The Honor system, even at its best, is one in which the head of a prison establishes directly, with each individual prisoner, relations of selfish mutual advantage. The warden makes an agreement with John Doe, convict, by which the Warden agrees to allow John certain privileges or favors and expects certain favors in return. John is housed in a new and comfortable cell-block, and is allowed to work out of doors, to converse — under arbitrary restrictions — with his fellow inmates, to play ball on Saturday afternoons — (and possibly on Sunday); and in return he gives good conduct, thus saving much wear and tear of the Warden's nerves. In some cases John is also expected to aid the head of the institution by retailing to him all the information which can be acquired about the other prisoners; to become, in short, that most detestable of all things — a stool-pigeon. In Great Meadow prison, which has been widely advertised as a remarkably successful instance of the Honor system and as quite the last word in "prison reform," the espionage is said to be carried to such perfection that its very

able and forceful warden can boast that nothing ever happens inside the limits of his prison domain without his knowing it within a few moments, if he is at home; and immediately upon his return, whenever he happens to be absent. Such a system may be very efficient, the immediate results may appear very striking; but when it comes to the deeper significance of things, one is reminded of Lady Teazle's disconcerting suggestion to Joseph Surface: "Don't you think we may as well leave *honour* out of the argument?"

At Great Meadow everything is so ordered as to carry out the system under the most favorable auspices. In selecting inmates for this "Honor prison" care has been taken to get the pick of the men from the other three state prisons. Here are some of the conditions which, except in a few special cases, govern the choice of men for transfer to Great Meadow prison: (1) Nothing but first-termers; (2) No long-termers; (3) No men sentenced for the more serious crimes; (4) No men afflicted with any kind of disease; (5) No men without good prison records. The statement was once made by a Sing Sing convict who wished to be transferred and was refused, that it would soon be necessary to have a college degree to get into Great Meadow.

This carefully selected group of prisoners would naturally seem to offer an exceedingly favorable opportunity for the development of self-govern-

ment and responsibility; but there has been no attempt to do this; on the contrary, every man is expected to register the will of the dominating mind at the head of the institution. It is a striking contrast; this carefully selected group of prisoners, living under a benevolent despotism; and the hordes of miscellaneous humanity at Auburn and Sing Sing, struggling along with their problem of making a self-governing democracy work.

As a matter of fact, even at the best there is nothing fundamentally new about the Honor system; the differences between it and the old Auburn system are purely superficial. One threatens punishment; the other offers reward; but so far as the ultimate success of the prisoner is concerned, there is not much to choose. Both systems leave altogether out of sight the fact that when the man leaves the shelter of the prison walls there will be no one either to punish or reward. Unless he has learned to do right on his own initiative, there is no security against his return to prison.

It may be of interest, before drawing to a close, to conclude the story of Canada Blackie. About the time I became warden of Sing Sing it was evident that the temporary physical improvement that had followed Blackie's release from "solitary" had about run its course, and his relentless disease

again fastened its grip upon him. Hoping that the less severe winter of the lower Hudson might prove of benefit, he was transferred to Sing Sing; but it was of little or no avail. He soon took to his bed in the hospital, and when it became necessary, because of the nature of his illness, to remove him from there, he was taken to a small room in the upper story of the Warden's house. Here his friends from the outside as well as those from the inside were allowed to visit him; and here on a memorable night in February he received a pardon from the Governor of New York. He was technically a free man; but freedom of mind and soul he had already attained,—freedom of body could no longer be granted, even by the Governor.

His loyalty to the League never faltered for a moment. Even on his death-bed, he was constantly planning how he could help to establish more firmly the foundations of the new reform. A talk he had with one young Italian friend, explaining the proper change of attitude of the members of the League toward the prison authorities, will serve as a sample of this. Using the vernacular of the prison, he said: "Look here, kid; it's this way. When you were in stir [prison,] under the old system, you were always on the level with your pals, weren't you? You'd never squeal on them, or do them dirt. But you used to double-cross the warden and put it over on the screws; — sure you did, — whenever you

had a chance. Well, that was all right, — under the old system. But now, you see, it's different. Now the warden is your pal; and you must play straight with him; you must be on the level; for listen, kid — you can't play the game both ways."

His keen sense of humor and hatred of all sham and insincerity remained to the end. When the prison chaplain came to pay a call, he was received with perfect courtesy, and there followed a pleasant chat. When the visit was repeated, Blackie felt it was time to have an explanation. "Father," said he, "I am glad to have you come and see me whenever you feel like it; but don't let's have any misunderstanding. As a friend, you are welcome; but I hope you don't think, after what I've been and after all I've done, that I'm going to try and sneak into Heaven through a back door!"

Yet there was in him no lack of faith or deep religious feeling. On the morning of February 26, 1915, just ten days after Blackie's pardon, three men were put to death, one after another, in the electric chair at Sing Sing. The nervous strain which always accompanies an execution extended through the prison and the warden's house, even to Blackie's sick-room. In the cold gray dawn, as the fatal hour approached, Blackie became more and more restless. His faithful friend and biographer, Mrs. Field,

coming to his bedside, heard him praying; and immediately afterwards wrote down, so that it should not be forgotten, this eloquent cry to God from the lips of the man who was himself so soon to die:

O God, if I could only be taken instead of those three young men in the full vigor of their strength! There is work for them to do on this earth, even behind the bars, while my course is run. The sand in my hour-glass has only a few grains left, and they are rapidly slipping through. But — Thy will be done! And if they are to go and I am to stay, even for a little while, may it be for some great and high purpose. O God, in spite of the past, make the life of each man within the walls count for something! May the passing out of these three brave souls today mean also the passing out of that old medieval law of capital punishment. Bless all my pals everywhere.

On the 20th of March, 1915, Blackie died of the tuberculosis contracted during his long confinement in the cold, stone dark-cell of Clinton prison. He died, one of the many thousands of martyrs of the brutal old prison system. How many men, one wonders, of equal capacity for right living and high thinking, have perished as criminals when they might have lived as upbuilders of humanity? No one can tell. The secrets of the past, in the dark-cells of Clinton, Sing Sing, Auburn, Wethersfield, and other old prisons will never be revealed; we can only guess. In this case it fortunately happened that such a man was imprisoned where his soul could catch the light,

where he could share in the first fine enthusiasm of a new freedom, and find joy in the glow and fervor of a new life. He was able to use his great influence, (for Blackie was a veritable hero of the underworld — he bore a name to conjure with), to help build first at Auburn and later at Sing Sing the broad and strong foundations of a new penology: a prison system which should appeal to all that is best in the inmates, instead of degrading all to the level of the worst.

The very qualities which had made this man one of the most dangerous of criminals — his skill, ingenuity, boldness, bravery, intellectual power, and loyalty, — ("the whitest of pals" is the way one friend has described him): all those things were assets of the highest value to society, the moment he turned to "go straight." The dangerous and desperate criminal is often only the hero gone wrong.

In Galsworthy's powerful play: "Justice," among many enlightening passages, is one which contains the crux of the whole prison problem. The Governor — the warden, as we should call him in this country — and the Doctor are talking about the young bank clerk whose crime of forgery has landed him in prison. "He's nervous, of course," says the Doctor.

"Is there any sort of case to report?" asks the Governor, anxious to do what is right; to

which the Doctor responds: "Well, I don't think separate's [1] doing him any good; but then I could say the same of a lot of them."

"You mean you'd have to recommend others?"

"A dozen at least," replies the Doctor; and then adds: "There's nothing tangible. . . . If I once get away from physical facts — I sha'n't know where I am. Conscientiously, sir, I don't know how to differentiate him."

And later the Doctor adds, as a last word, "I can report on him, if you like; but if I do, I ought to report on others."

Here, as I have said, is the crux of the problem. Ever since the good quakers of Pennsylvania abolished capital punishment in 1794 we have been theorizing about criminals; and in all the dreary theorizing, and in all the hideous cruelties perpetrated in punishing men who would not adapt themselves to the various theories, and in all the weary volumes in which these futile theories are duly tabulated and explained, the one great fundamental truth has never seemed to make itself felt: that every man who is in need of reform requires a different treatment from all other men. As there are no two men alike, there is no theory that will fit them all, except the theory that they are all different. "I don't know how to differentiate him," says the Doctor in "Justice."

[1] In England all new prisoners are kept in solitary confinement ("separate") for two or three months.

Well, no system that does not differentiate — no system that does not allow for the careful consideration, development and training of individuality, taking into full account each man's personal needs, is a fit system of education for a prison any more than it is for a school or college.

It is here that our new system will stand the test. Under the Mutual Welfare League the tendency is for each individual to be rated as he deserves and to get the peculiar medicine he happens to need. Of course in carrying out the system there will be many failures, many maladjustments. We do not get perfect government nor perfect relations between the individual and the community at Auburn or Sing Sing prisons; why should we expect it in a prison, when it is not to be found in any community outside the walls?

Yet in spite of all failures and maladjustments, *the thing works*. One's natural prejudices would lead one to form the theory that of all men the convicted criminals of a state prison are unfitted for even the smallest amount of self-government. Yet the facts are otherwise; for we have given to large bodies of them a considerable measure of self-government and *the thing works*. It may take many years to convince reluctant prison officials and stupid politicians that we have at last found the true principles of prison government; but the past, at any rate, is secure. In Auburn prison for more than two years, in Sing Sing prison for

more than a year, the new system has been in operation and *the thing works*. The truth of that fact no reluctant official and no stupid politician can argue out of existence. It is a rock which affords a solid foundation for the future of prison reform.

In every way, approached from any direction, the new system stands the test.

1. In the matter of physical health no doctor's reports are necessary; the very appearance of the men speaks for itself. The slouching gait is gone; the prison pallor is gone; the hunted look in the face and the restless eyes are gone. Everywhere about the prison you see men who stand erect and look straight at you; men who can talk with you man-fashion.

In Auburn prison soon after the League began, the Sergeant-at-Arms, with the approval of the executive committee, started on a crusade against the drug-selling and drug-using that was going on. In one cell a large package of "dope," — some eighty dollars worth, was seized and thrown into the sewer. Inmates who were known to have the means of procuring the drugs were warned that if the traffic continued, it would become necessary to discipline them in the open. Almost at once the wretched business came to a stop; the appeal to the good sense and good feeling of the prisoners was successful.

At Sing Sing the scandal of "dope-peddling" by officers and inmates had given repeated trouble to the authorities. The stuff had come in concealed in the clothing of each new batch of prisoners; it came in nailed under the truck which brought freight and express from the railroad; it came hidden about the coal barge; it was brought in by visitors, workmen and guards; it was thrown over the wall; it was concealed in books, magazines and even post-cards; it came in fastened to the sole of the foot by surgeon's plaster. The ingenuity of man was exhausted in finding new ways to overreach the authorities; and the traffic persisted. When the League's responsibility was placed upon the inmates, and all hands were assured that the past would be overlooked if everything went straight for the future, the same thing happened as at Auburn. Drugs were eliminated from the prison by the prisoners themselves; and the small amount of liquor that found its way in only served to give to the officers of the League something upon which to exercise their vigilance.

Not only is there at the present time less drug-traffic and vice at Sing Sing and Auburn prisons than ever before in the history of those institutions, but it is less in proportion, I believe, than in other correctional institutions in this country. The prisoners do not crave the drugs as they did when locked into their cells from Saturday after-

noon until Monday morning. The daily hour of recreation, the base-ball and swimming, the freedom of conversation, the general relaxation from the old severe rigidity has brought about a totally different physical condition. When a man comes out of those prisons now, he is able to do his share of the world's work.

2. The improved physical condition is accompanied by improved mental condition. Even if the prisoner has not been a member of one or more of the evening classes, in which at Sing Sing a third of the entire population is enrolled, he has been intellectually stimulated by the new system. The politics of the League, the hearings before the two courts — the judiciary board and the warden's court of appeal, arouse endless discussion. The meetings of the Board of Delegates (55 members at Sing Sing — 49 at Auburn) give valuable exercise always to mind, as well as sometimes to lungs. It is really true, in many cases, that men are too busy and interested to plan escape or to let their minds dwell upon evil. When a man is shut in a cage all day long, with nothing to do but reflect upon his sins, we may be quite sure he will have plenty of sins to reflect upon. If

> Satan finds some mischief still
> For idle hands to do,

the mischief which comes from idle brains is even more serious.

From time to time one sees in the newspapers a statement from some prison head to the effect that a large proportion of the prisoners under his charge have a mentality only of children 12 or 14 years of age. Such statements go to confirm an impression, gained from what I have seen of convict life, that very few prison officials have more than the most superficial knowledge of the human beings over whose lives they hold such dangerous power. It is not too much to say that most of the officials have, in the past, shown great indifference to their deeper and more important duties. The average prison keeper, so long as he draws his salary regularly, cares little to study the spiritual needs of his charges, for whom he usually exhibits the utmost contempt; a contempt which is repaid with interest by the prisoners.

Most convicts, as I have met them, so far from being naturally stupid or showing retarded mental development, are possessed of a keenness of wits that outsiders might well envy. There is, of course, no uniformity of mental ability or attainment; and a one-sided development is often plainly noticeable — some senses, like that of hearing, becoming abnormally acute. But to talk of any large proportion of convicts being mentally deficient is the sheerest nonsense. I have sometimes found myself wondering how a batch of wardens would themselves come off in a rigid, scientific test of mental attainments.

When these low estimates are given of the mentality of prisoners it is quite evident that no allowance is being made for the benumbing pressure of the old system, always slowly but steadily crushing the natural activities of the mind and driving it toward stupor or madness. Let any man ask himself what would be the result upon his own brain of constant confinement in a stone cell, seven feet by three and a quarter, with nothing but himself and his grievances to occupy his mind; of having no chance to talk with another human being without breaking some preposterous rule, and possibly being sent to brutal punishment; of being constantly watched, every hour of the day and night; of being treated in every way as a depraved and dangerous creature, of whom nothing but wickedness could be expected. What would come of all this but a warped or weakened intellect?

Another cause of misunderstanding is found in the masks of stupidity, hypocrisy and falsehood which are adopted by convicts as means of protection, just as nature supplies to many birds and animals certain marks and colorings for the purpose of escaping their enemies. In prison, under the old system, the safest part to play is that of the stupid dolt, — slow to comprehend but too good-natured to irritate the keeper. The short-sighted official takes this for dullness when, as a matter of fact, it is exactly the reverse.

Here, as in other aspects of the matter, the pity lies in the excellent material going to waste. Take, for instance, the young thief recently graduated from Sing Sing who quoted the Bible in my hearing. I broke into the conversation: "Young man, you seem to be somewhat familiar with the Scriptures."

"Yes," said he; "I learned two chapters by heart once; I thought perhaps I might find such knowledge useful, sometime, in case I ever ran up against a clergyman."

This clever youth tells me that when he was first sent to the reformatory he liked above all things to read Shakespeare; "but nothing was done," he said, "to teach me or interest me in anything. I was just driven to work that I hated. I grew so I didn't care; and so I never intended to make good."

In his case it is the same old dreary story: repeated confinement in children's institutions, reformatory, state prison. It was the Mutual Welfare League that reawakened his intellectual interest in things outside himself, and cleared his mind of its warped and crooked conceptions of life. Now he sees how much more interesting is the straight game; and it is the very difficulties in the path that fascinate his eager and penetrating mind.

3. It is, however, the moral improvement, under the new system, that is the most wonderful

thing of all. I wish it were possible, without breaking confidences that should be inviolate, to give an adequate idea of the spiritual growth that, even in the short period of time and under the wretched material conditions, has taken place in Auburn and Sing Sing. It is not merely that vice has been materially diminished, — the matter goes far deeper than that; the very standards of conduct have undergone reconstruction. One of the men, as he was about to leave Sing Sing at the expiration of his term, came to say good-bye to the warden. "Do you realize what it is that the League has done here?" said he. "Let me tell you. It has started the men discussing the right and wrong of things, every day, from one end of the yard to the other."

If this be true, — if a prison can contain a sort of large class in social ethics — freely and naturally discussing the right and wrong of everyday happenings, is not that the most important thing of all? Because therein lies precisely that exercise of the conscience — just that practice in discrimination between right and wrong, between wise and foolish, that is necessary and desirable for all men; and especially for those who have committed sin and need to cleanse their souls and patiently form new standards.

The Welfare system, while it does not, of course, work equally well in every case, has, like every other system, a driving force in a certain direction;

and it drives toward righteousness. Since the League started, these men find it easier to be honest; easier to be law-abiding; they find their self-respect restored, as their belief in their own essential manhood grows stronger; they feel responsibility for the acts of the community as well as for their own individual acts.

It gives them a civic ideal. At Sing Sing in a certain serious case a young man, brought on appeal before the warden's court, was accused of being disloyal to the League. He jumped to his feet, his cheeks flushing and his eyes filling with tears. "Disloyal to the League!" he cried; "Why, Warden, I would die for the League." Many of these men have never cared enough for anything to be willing to die for it. They have sometimes been willing to die for their pals, if necessary; but what was there in organized society to die for, or to live for? A young graduate of Sing Sing writes me: "Until the League was formed and I met you and your friends I did not believe there was such a thing as an honest man or woman."

As the criminal looks at society he sees what he calls "graft" everywhere: corruption in the police; corruption in politics; corruption in the district attorney's office, and all too frequently upon the bench. He finds corruption inside the prison, as he found it outside. He often finds the prison run by a combination between corrupt convicts within and

corrupt contractors without. He believes that corrupt politics has located the building, built it, sells it supplies and appoints its warden. He sometimes feels himself a helpless unit in a gigantic scheme of corruption, alongside of which his own crime seems like a mere petty piece of boy's play.

I do not say that this is even approximately correct; I only state it as the prisoner's view of organized society — organized apparently for the purpose of protecting the big plunderers while the little fellows, like himself, are thrown out of the game. Consider the tolerance shown by society toward the crook that wrecks a railroad or a bank as compared to the crook that takes only a purse; the relative consideration shown to the criminal who tries to rob a flat and the criminal who tries to steal a judgeship; the punishment of the poor tool who stuffs the ballot-box or gets drunk and fires a pistol that he should never have been allowed to possess and the entire immunity of the various dishonest politicians whom we good-naturedly trust to run so much of our government and the equally dishonest business men who dictate so much of our legislation. These things are inexplicable to the "honest crook," except upon the theory that there does not exist "such a thing as an honest man or woman"; that we are all grafters alike, — the only difference being that we outsiders are hypocrites as well as grafters, and are successful enough

in our hypocrisy to keep out of prison. "When I think of the kind of cattle the people of New York State sometimes elects to office," writes a friend from Auburn prison who is just rounding out a ten-year bit, "it makes me feel blue. If that kind of men go to Heaven then me for Hell with a fourteen carat smile on."

It is, after all, the frightful insincerity and falseness and corruption of our politics that form the most fertile source of crime.

"An understanding of the duties of Christian citizenship and a sense of personal responsibility for the performance of those duties"; such are the words of the founder of the Dodge lectureship, in describing its purpose.

The duties of *Christian* citizenship! It is because the new prison system is in harmony with the highest religious and civic ideals that there can be no doubt of its ultimate success.

God has put man in the world and given him freedom; and it is that very freedom which strengthens his moral fiber and makes him capable of spiritual advancement.

On this side of the Atlantic, where England — that most freely developed country of the old world — had planted colonies freer than herself, over a century ago was started the great social experiment of democracy — the political expression of the Golden Rule.

But we have not yet realized democracy; we have only made a very small beginning in the work of translating that glorious vision into practical reality.

It is our duty, as Americans, to learn to apply the great underlying principles of democracy to all social problems: the family, the school and college, the factory — and even the prison.

The Welfare system means a training in democracy; it means applied Christianity — for it is a practical effort to operate the prisons on the basis of the Golden Rule; and *it works.*

The mere effort, however imperfect the means, to deal with criminals according to the dictates of common-sense and humanity has brought immediate and startling results. Those results I have stated and endeavored to explain. The only adverse criticisms have been: (1) a stupid reiteration of the charge that we are led by sentimentalism — that the new system "coddles" the prisoners; (2) that we are making the prison "too pleasant" and thereby losing its deterrent effect; and lastly that the prisoners are criminals and "once a criminal, always a criminal"; it is therefore a waste of time and energy to attempt reform.

To these criticisms we must answer:

1. We are not led by any sentimentalism whatever; but by the most practical of motives — the desire to gain efficient protection for society

from the dangerous product of our prisons. We would turn the ex-convict from a destructive criminal to a helpful, constructive citizen.

The Welfare system does not coddle the prisoner but trains him in natural and law-abiding habits; teaching him how to use and not abuse his liberty.

2. It is not the intention to make prison "pleasant"; and, as a matter of fact, no prison can ever be made so. The deterrent effect of prison lies not in the material discomforts or the lack of "pleasant" things, but in the imprisonment — the denial of liberty. So long as men are shut behind walls, or even confined within certain boundaries and freedom is denied them to go where they like and do what they like, they are prisoners; and all the pleasures in the world would not make amends for the loss of freedom. But no one proposes to make the prisons abodes of luxury or to give to the prisoners any privileges that do not bear directly upon their preparation for returning to society.

There is grave danger, however, in these privileges being given, without exacting such responsibility on the part of the prisoners as to justify the grant. Already, in a number of institutions there are signs of a desire to secure the results of the Welfare system without any clear understanding of its fundamental principles; with a prisoners' organization which is only a hollow sham, no self-government being granted to the in-

mates. But experience ought certainly by this time to have taught us Americans that there is no short cut to salvation. If you want the good results which come from bearing responsibility you must be prepared to grant the responsibility.

3. As for the possibility of reforming prisoners, we find ourselves back at the very point from which we started: What, after all, is a criminal?

In many ways I have endeavored to make you feel the essential humanity of the criminal and of our responsibility toward him. From the standpoint of Christian citizenship let us bear in mind that he who asserts the impossibility of reform in any man forgets history and denies his religion. Nothing can be clearer, as a matter of human record, than the enormous capacity of man to recover his moral balance after the commission of sin. Nothing can be clearer, as a matter of religion, than the readiness of God to forgive.

It was not, perhaps, a mere matter of chance that the great Teacher, to whom we owe our ideals of Christian citizenship, was Himself crucified between two thieves; and to one of them who repented of his sins He made the promise: "To-day shalt thou be with me in Paradise."

BANKED FIRES

OF prisoners and prisons I had talked
To eager listeners that afternoon,
And then at twilight through the pines I walked
To a poet's cabin, where a young white moon
Swung in the tree-tops, and a silver star
Silently pointed to the door ajar.

Solace I needed; for my seething mind
Ached with its effort. Had I caused the blind
To see? Did the deaf ears hear?
Ah, how I longed to make my message clear!

Then the poet came and drew me in
To a great room half swathed in shadows, where
He bade me rest within a well-worn chair
Before the hearth — which seemed quite cold and gray
To me; but suddenly I saw my host begin
To stir the ashes in his gentle way,
And soon he found a spark, and then a flame
Leaped upward leading others, till the room
Became a thing of light! The gloom
Was gone and nothing was the same.

Then the poet smiled and glanced at me —
"I seek for hidden sparks you see
Within the ashes, for I bank my fire
That it may spring to life at my desire.
But tell me why this radiance on your face?
Do you behold a vision? Has my spark
Kindled a flaming thought?"

Swiftly I turned
To answer. "God in His grace
Has spoken in a symbol. From the dark
He has sent light. The message that I burned
To give the world is here revealed.

What you have caused this mass of gray to yield
We outside prison walls must draw from men
Behind the bars. The ashes of a soul
We need but gently stir to find the gleam.
Are not earth's purest treasures kept concealed
In her deep breast? Again and yet again
Our searching is rewarded, till the whole
Reality stands master of the dream.
To-day your hearth has yielded me a joy
With heavenly meaning; for each man or boy
Whose cause I strive to plead, whose grief is mine,
Is a banked fire with a spark divine.

For centuries these holy sparks were hurled
Out on neglected ash-heaps of the world,
Until one came who stirred with tender hands
The grayness and the gloom, who pierced the mass
Of hatred till they said 'he understands.'
Then prison miracles were brought to pass,
For sparks innumerable he found that filled with light
And comfort many lives, that made the night —
That long long night of desolate despair —
Seem like a fearful dream, for hope was there,
And faith in God returned, and self-respect,
Ambition and the will to serve — to be
Good citizens when at last came liberty."

I paused — for it was time for me to go,
The flames had vanished and the fire burned low;

The poet knelt before the embers red —
"You've made my hearth a sacred thing," he said.
"God grant that I may also find the spark
Divine to glorify the dark."

And then beneath the stars I took my way
With a new courage for the men in gray.

ANNE P. L. FIELD

"Good wine needs no bush," quotes Rosalind, as she steps forward to speak the epilogue. The fact that I feel these lectures need an apology proves how far short they come from what I had desired. Unfortunately they were for the most part written at high pressure and under conditions which precluded the calm reflection and clear thinking needed.

Imperfect as they are, however, I am glad to have them go forth; for they will serve to bring to those who have the patience to read some faint idea of the iniquities of the old prison system and some glimpses of the wonderful happenings at Auburn and Sing Sing prisons during the past two years.

There is a gap at present in our literature of Penology which this book will serve to fill, until a better one be written.

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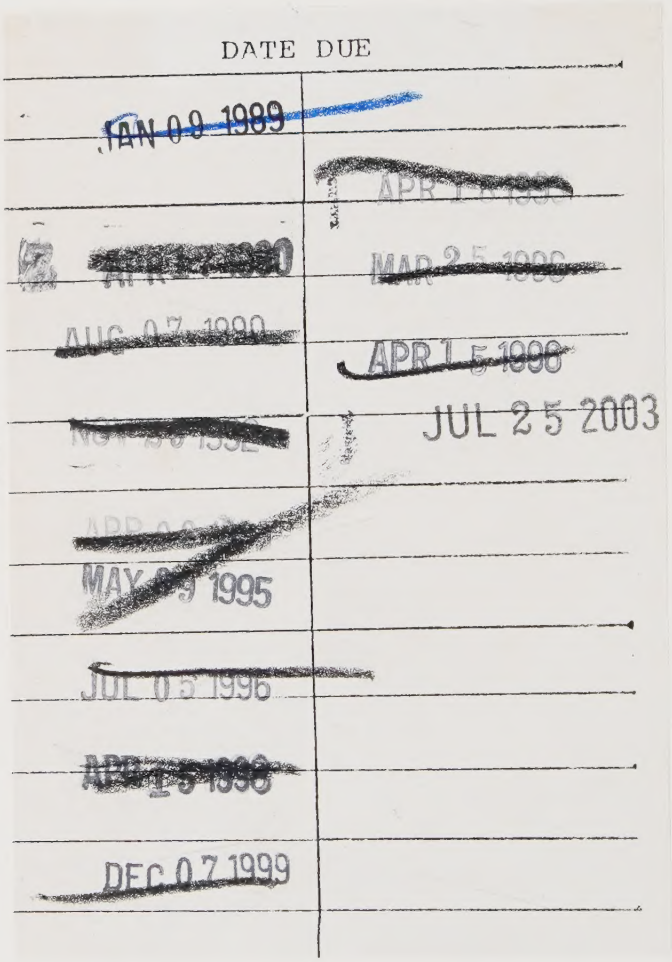
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